

Table 37:

Relationship Between Degree of Acquaintance (vertical) and Number of Individual Sexual Acts (= Individual Acts) (horizontal) (Pfalz, 1965-1969, N = 1,213 individual acts involving 131 sexual victims)

Degree of Acquaintance	Type of Sexual Contact	Aural, Visual, and Very Superficial Sexual Contacts (1-7)	Manual Sexual Acts ([>E] "petting" [<E]) (8-11)	Inter.- Like Acts (12-15)	Anal, Oral Coital Practices; Inter. (16-23)	
Stranger up to Superficially-Known (1-5)		39 / 37.8	89 / 41.4	2 / 23.4	24 / 51.6	154
Well-Known (6-10)		54 / 27.8	4 / 30.4	23 / 17.1	32 / 37.8	113
Very Well-Known (11-14)		16 / 32.9	51 / 36.0	56 / 20.3	11 / 44.9	134
Friend up to Relative (15-24)		189 / 126.5	182 / 218.2	102 / 123.2	339 / 271.8	812
		298	326	184	406	1,213

chi-square = 300.10083; df = 9; p < .01; CC = .45; CC_{max} = .87; CC_{cor.} = .51

relatives are listed. According to this table, then, there were relatively few cases in which an unfamiliar perpetrator had had intensive sexual contact with the victim. (Example from Tab. 37: two cases in which a stranger had engaged in intercourse-like acts with the victim. Based on a theoretically-expected random distribution, 23.4 cases would have been predicted.)

Furthermore, a comparison of Tab. 37 with Tab. 36 shows that with greater victim-perpetrator social closeness, the percentage share of the overall total of individual acts increases (Tab. 36: friend up to relative sexual perpetrators were involved in 36.6% of all sexual offense cases; Tab. 37: friend up to relative sexual perpetrators were involved in 66.9% of all individual acts committed). This means that overall, socially closer sexual perpetrators more frequently engage in both more serious sexual acts and are involved in a greater number of sexual contacts. This result also supports Hypothesis_{7,1}. [F659] Presumably, verifying the relationship between degree of acquaintance and number of individual acts would be even easier if one were to utilize the merely reported cases from Study 1. [F650]

Lastly, a third measure of the intensity of criminal sexual acts ~~persons~~ -- which is in some ways superior to the preceding criteria -- presents itself: the variable "duration of sexual contact." [F661] What is meant here is the period of time over which the punishable sexual relationship continued. [F662]

Table 38 (next page) shows the relationship between duration of sexual contact and degree of acquaintance in convicted cases.

The observed distribution in Table 38 also differs significantly from that which would have been theoretically expected. It is striking, for example, that whereas a stranger sexual perpetrator in 29 of the cases committed only a single act, a theoretically-expected distribution would have anticipated just 14.8 such cases. The field "friend up to relative" and "relationship duration: 2 months - 7 years" is similarly increased. The corrected CC-value is even higher than those for the other criteria relating to sexual contact intensity ($CC_{cor} = .58$). The overall distribution in the table allows for ^{cor}the conclusion that, given a higher degree of social closeness (prior to the sexual offense), it is more likely that the criminal relationship will continue over a longer period of time. This result provides further confirmation of Hypothesis_{7,1}. [F663]

Table 38:

Relationship Between Degree of Acquaintance (vertical)
and Duration of Sexual Relationship (horizontal)
(Pfalz, 1965-1969, convicted cases involving N = 131 sexual victims)

Degree of Acquaintance	Time Period	One-Time Contact	< 1 week	1 wk.- 2 mos.	2 mos.- 7 yrs.	
Stranger up to Superficially- Known (1-5)		29	1	1	5	36
		14.8	2.2	6.9	12.1	
Well-Known (6-10)		13	1	7	5	26
		10.7	1.6	5.0	8.7	
Very Well- Known (11-14)		3	1	5	11	20
		8.2	1.2	3.8	6.7	
Friend up to Relative (15-24)		9	5	12	23	49
		20.2	3.0	9.4	16.5	
		54	8	25	44	131

chi-square = 43.34206; df = 9; $p < .01$; $CC = .50$; $CC_{max} = .87$; $CC_{cor.} = .58$

In order to verify Hypothesis_{7,1}, the variable "sexual contact intensity" was employed using various specific criteria [F664], such as "type of sexual contact," "number and type of individual acts," and, "time period of the relationship." All three criteria are clearly related to the variable "degree of acquaintance"; namely in the sense that with an increasing degree of acquaintance, it can be expected that there will frequently also be an increased sexual contact intensity.

d. Degree of Acquaintance and Behavior of Suspected Perpetrators [F665]

The sexual contacts were not only more intensive (more serious) when the two participants had already previously known one another -- they were also more likely to involve threatening and violent behavior on the part of the suspected perpetrators. This can be readily observed by consulting the contingency table (Tab. 39):

Table 39:

Relationship Between Degree of Acquaintance (vertical) and Behavior of Suspected Perpetrators (horizontal) (Lower Saxony, 1969-1972, N = 7,582 declared sexual victims)

Degree of Acquaintance \ Behavior of Suspected Perpetrators	Other Perp. Behav.	Threat. Perp. Behav.	Viol. Perp. Behav.	
Stranger	4,104 3,411	124 291	101 626	4,329
Known Person	1,246 1,339	113 114	340 246	1,699
Relative	625 1,225	273 105	656 225	1,554
	5,975	510	1,097	7,582

chi-square = 2107.5968; df = 4; $p < .01$; CC = .47; $CC_{max} = .82$; $CC_{cor.} = .57$

Here also, for the purposes of Hypothesis_{7.2} [F666], the observed distribution differs significantly from that which had been theoretically expected. The corrected CC-value of .57 is, likewise, very high. In addition, it was established that in 54.1% of the cases, the suspected perpetrator was a stranger who had exhibited neither threatening nor violent behavior.

On the other hand, 18.2% of the cases involved a person who was both known or related to the declared victim and moreover had exhibited threatening or violent behavior. It is clear that approximately 72% of the cases here are in line with Hypotheses_{7.1} and _{7.2}. The

stranger perpetrators' behavior is rather harmless, whereas known and related perpetrators exhibit dangerous behaviors relatively frequently. And yet, it is not even considered that a known or related perpetrator, because of his position of power, especially with regard to child victims, would not even need to exhibit violent or threatening behavior in order to go against the child's needs and get his own way, because many children interact in certain predetermined ways with adults, whom they have learned to respect and would not dare to cross.

This means, in conjunction with the results from Section V, that girls and women should be more wary when they are among family and other familiar people of a similar age, because it is precisely such persons who pose the greatest sexual danger to them.

e. Children's Everyday Social Contacts

This heading may initially be somewhat puzzling. Up until now, we have talked about the degree of acquaintance which had already existed between victim and perpetrator prior to the reported sexual offense. Unfortunately, no study has ever been done, for example, on how many persons an unvictimized child comes into contact with on a daily basis. Furthermore, it is not known how many of them are strangers, known persons, or relatives, or what kinds of contacts these entail. Thus the question is posed as to, for example, whether those persons who are related to the potential victim have a greater opportunity to victimize him or her. This furthermore poses the question as to, for example, whether relatives (compared with the percentage share of non-criminal social contacts they have with potential victims) are over- or under-represented among reported sexual contacts. In order to be able to shed some light on these questions, a separate, special inquiry was carried out.

A class of schoolchildren was asked to keep a detailed daily record of all of their social contacts. [F667] This supplemental study was intended to furnish some preliminary insight into the reliability of the research techniques, and is more in the nature of a pilot study designed to better evaluate the risk of being victimized by a sexual offense.

On a Wednesday or Thursday in April of 1981 (4/1/81 or 4/2/81), which was during the school year, 14 female and 12 male pupils between the ages of twelve and thirteen recorded all of the social contacts they had over the course of the entire day. ("Whom have I encountered today? What have I experienced today?") [F668] The children were able to list the name or describe a characteristic feature of each person they encountered. They were also obliged to note the degree of acquaintance as well as the time of day in which the contact had taken place. The children then estimated,

how long the contact had lasted and briefly described the nature of the social contact. They even recorded whether they had looked at, waived to, spoken to, or touched the other person. [F669] Lastly, the children even kept track of how many hours they were awake on this day; e.g., how much time they were even available to have social contacts. [F670]

The project was arranged by the school's administrators, who explained its purpose to the parents and asked for their consent. [F671] The children demonstrated great interest in what was of course a quite laborious endeavor; for their generally very carefully filled-out records they received a reward of three Deutschmarks. Therefore it was clear to both the children and parents that these daily records could not be misused, and the children themselves were grateful that they were able to give them any name they wished ("My Diary"). [F672] Thus these records could only be used to arrange for possible further questioning of particular children, if they were agreeable to it. Some trial runs were made with the children in order to ensure that the record-keeping would be done according to instructions.

The results of this pilot study were quite interesting. The twenty-six 12-13 year-old children were "on their feet" for an average of 14 hrs. and 50 mins. Most of them got up quite early (between 6:00am and 7:15am), recording a total of 3,028 social contacts. This means that each child experienced an average of 117 contacts per day. (Among them there were of course some contacts involving groups of persons, whereby each was then counted individually.) Certainly, the number of morning contacts differed considerably from those which occurred in the afternoon and evening. Obviously there are also gender-specific differences.

Each child recorded an average of 80.3 social contacts in the morning (school hours), and 36.2 in the afternoon/evening. For the mornings, girls averaged 93.3 and boys averaged 65. During the afternoons/evenings, girls had 35.4 to boys' 37.3. Over the course of the entire day, the girls had 128.6 social contacts, while the boys had 102.3. Thus the girls listed more social contacts overall, and in particular had more during the morning. The details on all of the contacts are presented, by degree of acquaintance, in Tab. 40.

Thus, children encounter more and different persons during the morning (school hours) than they do in the afternoon and evening (leisure time). When one compares these time of day distributions with the corresponding distributions of sexual contacts involving

Table 40:

Daily Record of Children's Social Contacts,
by Degree of Acquaintance
(N = 2,401 social contacts by 26 children,
ages 12-13, during the school year)

Time of Day	Degree of Acquaintance		
	Stranger	Known Person	Relative
Morning (school) (1,629 = 100%)	12.1	75.5	12.3
Afternoon/Evening (leisure) (772 = 100%)	21.0	41.5	37.6
Entire Day (2,401 = 100%)	14.9	65.0	20.1

declared child victims in Lower Saxony (Study 1, mornings: N = 1,323; afternoons/evenings: N = 2,707), considerable differences emerge. [F673] This means that both during the morning and in the afternoon/evening, sexual contacts with stranger suspected perpetrators were more frequent than would have been expected based on the average number of social contacts (i.e., visual contacts) that occurred with such persons. Conversely, known and related persons were rarely the suspected perpetrators, relative to what would have been expected based on the daily logs.

A high degree of conformity was, however, shown when the degree of acquaintance distribution from Study 3 was compared with that from the daily logs, whereby it was observed that here, comparable degree of acquaintance definitions [F674] and hierarchies were employed.

Tab. 41 shows the relationship between degree of acquaintance among victims and perpetrators in convicted sexual offenses and that which would have been expected based on the social contact distribution in the daily logs. The 85.5% share of related and known perpetrators corresponds almost exactly to the proportion of children's daily social contacts

Table 41:

Degree of Acquaintance Percentage Distribution Among
 a) Child Sexual Victims and Perpetrators, and,
 b) Children and Their Social Contacts

Degree of Acquaintance	a) Study 3 (convicted sexual contacts)	b) Daily Logs (non-criminal social contacts)
Stranger	14.5	14.9
Known Person	62.6	65.0
Relative	22.9	20.1

N = 131
 Sexual Victims

N = 2,041
 Social Contacts
 (by 26 children
 in one day)

with such persons (85.1%). At the same time, it should not, however, be overlooked that a specific selection process was probably at work in Study 3. Among reported sexual offenses there are fewer "superficial" sexual contacts (such as exhibitionism) as well as fewer perpetrators who had previously been unknown to the victim, simply because unidentified perpetrators cannot be convicted.

Despite this reservation, we can still safely say that: Most sexual perpetrators come from the victim's own familiar circle. Consequently, they are not "invaders from another world." It would appear, therefore, that the distribution of stranger, known, and related perpetrators is analogous to the distribution of general social contacts that children have with these same groups.

In addition to degree of acquaintance, the children were also asked to note the type of sexual contact. The 26 children made an overall total of 3,009 usable social contact entries (see Tab. 42).

Social contact type did not appear to vary substantially between morning and afternoon/evening times. Although children encounter fewer friends and acquaintances (and more strangers and relatives) during the afternoon and evening hours, when one arranges the social contacts by social closeness, the two times of day are actually quite similar. Any real differences that do exist would probably reflect a greater physical closeness during the afternoon

and evening hours. Admittedly, the gender-specific differences do seem to be more apparent during the latter half of the day (see Tab. 43).

Based on the children's daily logs, it appears that girls indeed do have more social contacts than boys (especially in the afternoon and evening);

Table 42:

Daily Record of Children's Social Contacts, by Type
(N = 3,009 social contacts of 26 children,
ages 12-13, during the school year)

Time of Day / Social Contact Type	Looked At	Waived To	Spoke To	Touched
Morning (2,108 = 100%)	37.1	5.0	31.8	26.3
Afternoon/Evening (901 = 100%)	33.4	8.2	28.0	30.4
Entire Day (3,009 = 100%)	36.0	6.0	30.7	27.6

Table 43:

Daily Social Contact Type Percentage Distribution,
as Recorded by Female (f) and Male (m) Children
(N = 3,009 social contacts of 26 children
(14 girls, 12 boys), ages 12-13, during the school year)

Time of Day / Social Contact Type	Looked At	Waived To	Spoke To	Touched
Morning	29.4	4.1	23.4	17.7
f/m	20.8	2.6	20.6	19.1
Afternoon/Evening	10.6	2.7	6.2	5.9
f/m	9.0	2.0	11.8	14.0
Entire Day	40.0	6.8	29.6	23.6
f/m	29.8	4.6	32.4	33.1

however, this is due primarily to more frequent glances at and waives/greetings to people. Boys, on the other hand,

apparently -- especially later in the day -- have more speaking and physical contacts than girls do. Also, throughout the day, girls more frequently noted "glances," whereas the boys more often listed "speaking" or "touching." Therefore, it appears that role-specific

contact behavior is being observed here. For now, we are merely pointing out this factor. Further below we will discuss to what extent social contacts are related to types of sexual contact. [F675]

f. Implications for Preventive and (Sexual-) Pedagogical Work

Overall, the results concerning degree of acquaintance between sexual victims and (suspected) perpetrators may be summarized as follows: Accused strangers are not only rarer -- they also have less harmful sexual contacts with declared sexual victims. Although this outcome has sometimes been assumed in the specialized literature, up until now this had not been statistically proven. Presumably, among the high degree of acquaintance group, there indeed are some contacts, along the lines of "sexual play," in which violence is not used. Hartmann, on the other hand, based on his studies of rape victims, reported that: "When there is a close relationship between victim and perpetrator, the victim is in greatest danger of violent injury." [F676] "As a rule, so-called 'strangers' limit themselves to rather harmless forms of sexual contact, and vice versa. The latest findings confirm that stranger perpetrators are more likely to be scared off." [F677]

As the results from Section VII also indicate, this conclusion is hardly unwarranted, given the assumption that sexual contacts -- including punishable ones -- largely mirror everyday social contacts. The more contacts one has with known persons, the more likely it is that he or she will encounter a known perpetrator. Many known and related men exhibit the same kinds of sexual behavior towards victims that they do in their everyday social life. The situation of the raped prostitute is a phenomenological exception to this. She more often experiences violence at the hands of strangers. This is part of everyday life for prostitutes and their patrons.

These results have quite considerable implications, for both police as well as sexual-pedagogical work. They may be of interest to criminalists who -- depending on the seriousness of the offense -- wants to find the perpetrator as soon as possible. The consequences for preventive work are even more substantial. Warnings against "fiendish strangers" are pointless, if not downright dangerous. [F678] The criticism of many earlier "educational" brochures [F679] was obviously quite

justified. They engender panic regarding a relatively harmless perpetrator group (immoral strangers) and lull potential victims into a false sense of security concerning known persons and relatives, who are actually more dangerous. Therefore, warning children against strangers as potentially dangerous sexual perpetrators and telling them that their familial and familiar circles are places of safety are highly questionable strategies. The source of such views may be an uncritical ideology of the family, coupled with female children being raised in an environment characterized by protection and insulation.

Sometimes there simply seems to be a kind of pedagogical helplessness, caused by the fact that no one dares talk about "the issue" in more precise terms. Educators take refuge in nebulous allusions to vague dangers lurking far from home. Consequently, from the standpoint of protecting against harmful sexual contacts, (sexual) educators' warnings to girls about strange men in the forest or at the park or on dark streets are rather useless, neurosis-producing, and unsettling forms of intervention, which are actually likely to cause harm to children.

If, however, one means to protect children from the often violent sexual perpetrators in their own familiar and related circles, which is essentially an issue of sexual self-determination [F680], then their education may need to include behavioral self-awareness. [F681] On the other hand, a child who has been raised to be blindly obedient to trusted adults has not learned either to resist the questionable demands of familiar authority figures, or to simply get out of their way. This could even cause such a child to be more susceptible to victimization. What we then have is a child who has been trained to exhibit victimogenic behavior. Ironically, this educational posture was intended as a "victimization-defense." But this potential victim would only be protected against having outside contacts; he or she would not be protected from sexual violence. Sexual violence, then, plays itself out in a more intimate social environment than we would generally care to admit.

One should not allow oneself to be diverted -- whenever one is confronted with a worst-case scenario -- from the fact that only about 5-15 sexually-motivated child killings occur in West Germany on an annual basis. [F682] Among the public, it is assumed that such offenses are predominantly committed by strangers. However, between 10 and 30 times

as many children are violently killed (premeditated murder), frequently as the result of child abuse at the hands of their own parents. Even beyond this, there is still a large 'dark number' that must be taken into account. Another 1,500-2,000 cases come to light each year in which children have been seriously mistreated by relatives. Here too one must expect that there are many unknown, 'dark number' cases.

Consequently, if the intention is to prevent coercion, abuse, and violent acts (including sexual ones), then potential victims must be helped to learn how to better protect themselves from known and related perpetrators. In addition, an atmosphere must be created wherein such events that do occur are neither repeated nor kept quiet for such a long time. Lastly, support services must be demanded and provided whereby persons who are victimized by relatives or other familiar persons receive more and better assistance and protection, following the offense, so that they are spared any further abuse. [F683]

VIII. Place of Initial Contact and Sexual Contact

"The sexual perpetrator is a stranger who lies in wait for the victim in the woods or on an unlit street where he brutally assaults and then sexually abuses her." [F684] Such is the prejudiced image of the typical sexual perpetrator in the public mind. In the previous section on degree of acquaintance, it was already made clear, however, that most sexual perpetrators are not unfamiliar to the victim, and that, as a rule, known and related perpetrators pose a greater danger, because they commit more intensive and more violent criminal acts than strangers do. These results cast doubt on the idea that traumatizing sexual assaults predominantly occur "in the woods or on unlit streets."

For our purposes here, "act location" will refer to the spatial characteristics of where the crime took place, as opposed to the nature of the local social structure (i.e., urban or rural area). Such a distinction has also been made, for example, by Weiss. [F685]

With the help of the SST questionnaire [F686], a distinction was able to be made between the place of initial contact and the location of the act itself. Notwithstanding the fact that many criminological works do not differentiate between these two locations, it is apparent from the percentage values in Appendix 3

that the distributions are not identical. Thus, although the street was the place of initial contact in 29.3% of reported sexual contacts, it was only the act location in about 20%. It is also striking that while the home of the declared victim is quite frequently the place of initial contact (16.1%), it is less often the location of the act itself (12.7%). The reverse holds true for the home of the suspected perpetrator (6.6% and 10.0%, respectively). (Actually, upon close analysis, it was found that 1.1% of punishable sexual contacts are initiated in the home of the declared victim, but are then completed in the home of the suspected perpetrator (see Tab. 45, pg. 280 infra.)

The forest (6.3%/12.2%) and motor vehicles (1.5%/5.4%) are also more frequently act locations than they are places of initial contact. Because more punishable sexual contacts are initiated in public establishments than are actually carried out there (4.5%/0.7%), these punishable acts presumably more often take place either in cars or out of doors. In this example as well there certainly are clear differences in the numerical distributions "place of initial contact" and "act location."

With this analysis of the data it becomes clear that the usual preventive advice ("Avoid unlit parks!" or "Never get in a stranger's car!") are likely to help prevent serious sexual acts only in rare cases. Thus, the few declared victims who were victimized in a car had apparently first encountered their perpetrator at a different location -- on the street or in a public establishment. Some sexual victims obviously accept rides from perpetrators because they are already acquainted with them, or because they believe themselves to be good judges of character.

To this extent, the warning "Never get in a stranger's car!" is actually problematic. The real danger is that the victim will trust a man -- the potential perpetrator -- and thus allow him or herself to become dependent upon him (i.e., as a passenger), which the driver then takes advantage of. It is apparent that such dependency constellations are also taken advantage of in other situations, such as inside the victim's or perpetrator's home.

There is a flaw in items 47 through 50 of the SST questionnaire. [F687] Some police officers believed that there were several possible simultaneous answer possibilities; others interpreted items 47 and 49 as well as 48 and 50 as requiring two answers to be provided. [F688] These mistaken entries were for the most part able to be corrected by using plausibility controls and logical estimates; thus, deducting "other locations" yielded the following "places of initial contact" and "act locations": [F689]

Tab. 44:

Reported Sexual Contacts by "Place of Initial Contact" (N = 7,294 declared sexual victims) and "Act Location" (N = 7,062 declared sexual victims) (Lower Saxony, 1969-1972), in %

	Place of Initial Contact	Act Location
Declared Victim's Home	18.4	15.8
Suspected Perpetrator's Home	7.4	11.9
Attic/Basement/Unfamiliar Dwelling	2.7	4.2
Public Establishment, Construction Site, School	7.2	3.6
Motor Vehicle, Public Transportation	1.2	5.8
Playground, Public Pool, Amusement Park	6.4	4.9
Park, Forest	17.8	25.6
School Route, Street	39.0	28.2
	100% (N = 7,294)	100% (N = 7,062)

If one merges the above locations into the criteria "indoors," "motor vehicle," and "outdoors," then the differences between place of initial contact and act location become less distinct.

The more detailed presentation in Tab. 44 makes it clear that motor vehicles are more often the act location than they are the place of initial contact (+ 4.5%). Moreover, automobiles played a role in these cases less often than would perhaps generally be assumed: only 5.8% of reported sexual contacts took place in a motor vehicle.

Whereas the stage for nearly two-thirds of the sexual contacts had been set out-of-doors, only 58.7% actually took place there. It can be observed that this decrease (- 4.4%) is related to an increase in the motor vehicle category (+ 4.5%). In 2.2% of the cases, an outdoor contact location was -- for reasons of "appropriateness" -- moved to an automobile to perform the act. [F690] In 4-5% of the cases, the declared victim -- most likely unsuspectingly -- voluntarily got into the suspected perpetrator's car. Furthermore, many declared sexual contacts that were initiated on the street were in fact carried out in a park (+ 0.9%), a wooded area (+ 2.6%), a motor vehicle (+ 1.9%), an attic

or cellar (+ 0.8%), the suspected perpetrator's home (+ 1.7%), or in "another location" (+ 1.8%). [F691]

Tab. 45 illustrates the numerically substantial shifts that occurred between the place of contact and the location where the act took place.

Table 45:

Numerically Substantial Shifts Between "Place of Contact" and "Act Location," in %
(Lower Saxony, 1969-1972, locations involving N = 7,491 declared victims of reported sexual contacts) [F692]

Act Location \ Place of Contact	Declared Victim's Home	Public Est.	Street	School Route	Row Total
Suspected Perpetrator's Home	1.1	0.7	1.7		3.5
Attic/Cellar	0.7		0.8		1.5
Motor Vehicle	0.5	0.6	1.9		3.0
Street		0.5			0.5
Park			0.9		0.9
Forest	0.6	0.8	2.6	0.6	4.4
Other Location	0.7	0.8	1.8		3.5
Column Total	3.6	3.4	9.7	0.6	17.3

The greatest shifts were observed for the "street" contact location. Of the 29.8% of cases where this was the place of contact, 9.7% had a different act location, which was predominantly distributed among "forest" (+2.6%), "motor vehicle" (+1.9%), "other location" (+1.8%), and "suspected perpetrator's home" (+1.7%).

If the contact was initiated in a public establishment or in the home of the declared victim, these locations were, similarly, less often named (around 3.4%-3.6%) as the later location of the act. These moves from the "victim's home" were predominantly offset by increases in the act locations of "suspected perpetrator's home" (+ 1.1%), "attic/cellar" (+ 0.7%), "other location" (+ 0.7%), "forest" (+ 0.6%), and "street" (+ 0.5%).

Overall, the greatest shifts between initial contact and act were for the locations "forest" (+ 4.4%), "suspected perpetrator's home" (+ 3.5%), and "motor vehicle" (+ 3.0%). In these 11% of all of the reported cases in Lower Saxony, we can, for the most part, presume that either the decision regarding the act was not made until after the initial contact, thus making it impossible for the victim to have detected the suspected perpetrator's intentions, or, the suspected perpetrator had resolved to deceive the victim.

On the other hand, in 74% of the cases, the place of initial contact and the act location were one and the same. [F693] Serious offenses are likely to predominate among the cases where the victim is brought to another location (extreme case: gang-rape following a ride in a car). Overall, "outdoor" act locations are probably rarer than the average citizen would assume. Indoor act locations are -- as a group -- approximately equally represented. Strikingly, in 27.7% of the cases, the act location was the home of either the declared victim or the suspected perpetrator. Therefore, after streets, parks, and forests these are clearly the most frequent act locations; moreover they are probably particularly dangerous for the victims because there they are relatively helpless.

Now, it is interesting when ones compares the act location of reported cases with the act location in convicted sexual offenses.

A car is frequently the act location in both reported and convicted cases. Presumably this is because the more serious offenses take place there, as well as the fact that these suspected perpetrators are usually known to the victim. Therefore, these cases are also quite likely to end in conviction.

The picture is entirely different for the act locations "indoors/building" and "outside." Of the reported cases, 58.8% were committed outside. Of the convicted sexual offenses, only 19.3% were. Presumably, many rather superficial punishable acts (i.e., exhibitionism) took place out-of-doors, and were committed by strangers. Naturally these cases would more rarely result in conviction.

Table 46:

Comparison of Act-Locations in Reported Sexual Contacts
(N = 7,062 declared sexual victims) and Convicted Sexual Offenses
(Study 3, N = 130 sexual victims), in % [F694]

Act Location	Reported	Convicted	
Perpetrator's and/or Victim's Home	27.7	73.1	} 74.6
Other Indoor Location	7.9	1.5	
Motor Vehicle	5.8	6.2	
Street, School Route, etc.	28.3	6.2	} 19.3
Other Outdoor Location (i.e., park, forest, playground, public pool, etc.)	30.5	13.1	
	100% (N = 7,032)	100% (N = 130)	

The numerical ratios are just the reverse for sexual offenses in which the act location was indoors. Whereas only 35.6% of the act locations in reported acts were indoors, 74.6% of the convicted cases took place there. The reasons for this numerical shift in act-location are likely closely related to the kinds of sexual offenses that take place indoors. Presumably, the sexual offenses that occur there are more likely to be violent and intensive. These variables are obviously related to degree of acquaintance. [F695] A known or related perpetrator has even more opportunity to victimize someone in the privacy of an indoor room. There he feels he is less likely to be discovered, and often also experiences (more) negative emotions such as relentlessness and violence, because he knows the victim.

In Hypothesis_{8,1}, it was posited that exhibitionistic acts take place predominantly out-of-doors. [F696] Hypothesis_{8,2} asserted that, when exhibitionistic acts are excluded, more reported sexual contacts take place indoors.

The results in Tab. 46 concerning the act locations in convicted cases already confirm Hypothesis_{8.2}, even without excluding the (few) exhibitionistic contacts here. The overall distribution of reported cases looks somewhat different.

Table 47:

Type of Reported Sexual Contact (vertical) and Act Location (horizontal)
(Lower Saxony, 1969-1972, N = 6,213 declared sexual victims)

Sexual Contact Type \ Act Location	Act Location			
	Outdoors	Motor Vehicle, Pub. Tran.	Indoors	
Genital Display	2,252	67	286	2,605
	1,903	132	897	
Genital Contact and Mutual Masturbation	714	78	1,081	1,873
	1,425	99	671	
Inter.-Like Acts, Att. Inter., Intercourse	754	174	807	1,735
	1,287	89	707	
	3,720	319	2,174	6,213

chi-square = 1424.2075; df = 4; p < .01

When one arranges reported sexual contacts by act location, then the distribution varies quite significantly from an expected, randomly-distributed one ($p < .01$). Considerably more outdoor exhibitionistic acts (2,252 = 85% of these encounters) were reported than indoor ones (286 = 15%). Therefore, Hypothesis_{8.1} is confirmed.

If one excludes exhibitionistic encounters, then of the remaining 3,608 contacts, 1,468 (= 40.7% of 4,177) took place outside, 252 (= 7.0%) happened in a car, and 1,888 (= 52.3%) occurred indoors. Therefore, so far as reported cases are concerned, Hypothesis_{8.2} is supported.

All in all, therefore, we can say that most exhibitionistic acts take place out-of-doors, and that 60% of the other types

of punishable sexual contacts happen either in a car or indoors. However, most convicted cases have an indoor act location. The idea of the dangerous perpetrator lurking in the bushes obviously does not correspond to reality.

Tab. 47 shows especially clearly which sexual contacts are most likely to take place in what act locations. However, the sexual act intensity as registered in the SST questionnaire ("form of sexual contact" -- see Appendix 2) provides insufficient information concerning the intensity of the victimization. The definitions of §§ 177 (rape) and 176:I:1 (sexual coercion) (o.v.) are better criteria; these allow us to isolate and highlight the reported sexual offenses that are especially tragic for victims. For this reason, the reported sexual contacts were arranged in terms of crimino-legally defined offense group and act location.

Table 48:

Crimino-Legal Classification (vertical) and Act Location (horizontal) of Reported Sexual Contacts (Lower Saxony, 1969-1972, cases involving N = 6,743 declared sexual victims) [first and last columns are labeled in English]

COUN ROW PCT COL PCT TOT PCT		Act Location					ROW TOTAL
		Home of V/P	Other Build.	Mot. Veh.	Leisure- Outdoors	Street- Sch.Rte.	
Reg.	§ 173	487	29	23	25	4	558
Crim. Act (o.v.)	§ 174	87.3	5.3	4.1	2.7	0.7	8.3
		28.7	4.7	6.9	0.7	0.2	
		7.2	0.4	0.3	0.2	0.1	
	§ 176:I:3	1,077	536	173	1,777	1,642	5,205
	§ 183	20.7	10.3	3.3	34.1	31.5	77.2
		63.4	86.7	52.3	83.3	83.7	
		16.0	8.0	2.6	26.4	24.4	
	§ 176:I:1	135	53	135	340	315	978
	§ 177	13.8	5.4	13.8	34.8	32.2	14.5
		7.9	8.6	40.8	15.9	16.1	
		2.0	0.8	2.0	5.0	4.7	
COLUMN TOTAL		1,699	618	331	2,132	1,961	6,741
		25.2	9.2	4.9	31.6	29.1	100.0

Chi-Square = 1491.92943; df = 8; sig. = 0

This classification by criminal act and act location makes it especially apparent that almost all incestuous contacts and

sexual contacts with dependents take place in the home of either the declared victim or the suspected perpetrator (87.3%). As was already explained in connection with Tab. 47, the act location for exhibitionistic and other sexual contacts with children is predominantly an out-of-doors one (34.1% + 31.5% = 65.6%). "Other buildings" (10.3%) are likewise over-represented. This is probably due in large part to criminal acts covered by § 176. Rape and sexual coercion, on the other hand, mainly take place on the street or on the way to school (67%); however, in relation to their proportion of all sexual offenses in this study (14.5%), comparatively speaking, many more sexually violent acts occur in automobiles, and only a few more occur on the street or on the way to school than would have been expected.

The image of the sexual perpetrator lurking behind a bush is therefore, at best, applicable only to exhibitionists. This type of perpetrator is, however, relatively harmless to victims. This shows once again that the characteristics of one perpetrator type are automatically assumed to also be characteristic of other perpetrator groups. (See pg. 467 f.) This can have disastrous consequences for girls' and boys' psychosexual development. (See pgs. and 469.) In addition, there is the danger that potential victims will sense that they are in dangerous locations and have other fears, despite the fact that these actually pose little danger to them. When people are "educated" about forms of actual sexual criminality in such misleading ways, and more to the point false information is put out, then it would seem to be downright grotesque when the very same victim groups of boys and girls who had already thereby been rendered helpless are then blamed for exhibiting victimogenic behavior.

The legal framework within which criminal acts [F698] are classified under Level V, "libidinous crimes and other sexually-based criminal acts," was also found to be of little help on this question. There is an urgent need to revise classifications in the area of "criminal acts against the right to sexual self-determination" [F699], because they no longer reflect current criminalistic, criminological, and sexological findings. In addition, the "location" subdivisions which are still in use do not appear to be of much use for general practice. We can only presume that such subdivisions were initially made prior to the development of scientific methods, and have simply been uncritically passed down for the years.

Thus, we present the classification system used for criminal acts in item A ("Lewd Acts With or Against Children" [F700]), according to contact establishment types a) through i) and location types (of contact or act) j) through n): [F701]

From "Criminal Act Classification System"	Corresponding Percentages from Study 1 [F702]
j) School, Kindergarten	1.2
k) Playground, Park	15.4
l) Sports Arena, Public Pool	1.5
m) Room, Hallway, Cellar	25.0
n) Other	57.4

Under item D ("Other Sexual Indiscretions"), for "1. Exhibitionism," only the contact and/or act location is enumerated. [F703]

From "Criminal Act Classification System"	Corresponding Percentages From Study 1
a) Outdoor Location, Forest (Forest Edge)	12.8
b) Public Place, Street	61.9
c) All Indoor Locations	10.1
d) All Motor Vehicles	3.6
(there is no "other" listing here)	(11.7)

This means that it is really only the less serious sexual offenses for which a contact or act location can be entered (§§ 176 and 183 (o.v.)). Furthermore, for the sexual abuse of children, relatively insignificant contact locations (such as "school, kindergarten") have their own category, whereas others are undifferentiated catch-alls, as for example "room, hallway, cellar." "Home of the declared victim" and "home of the suspected perpetrator" must also be listed in this answer category. The 57.4% share here for the category "other" is far too large. The answer option "playground, park" was probably comprised of quite different locations, which is not well-suited to a proper system of classification.

The subdivision of locations for exhibitionistic acts contains a similar flaw. There is even the answer possibility "other location," which is bound to lead to officers making mistaken entries. This error is analogous to the one described above in cases involving the sexual abuse of children. In addition, answer options a) and b) overlap.

It is significant that such faulty attempts at classification are reflective of a flawed way of looking at sexual offenses that is still with us. At the same time, such faulty ways of thinking and analysis schema produce an unrealistic picture of criminality. This unrealistic image, bolstered by such flawed data, is then passed on to the younger generation. Consequently, what we have here is a vicious circle of faulty reasoning.

Such flawed analysis schema and ways of thinking then lead to faulty observations [F704], because, in practice, mistaken ideas inevitably spawn flawed attempts at classification. With such a circular process (faulty classification >>> faulty analysis >>> faulty observations >>> faulty classification), flawed appraisals of sexual criminality become entrenched. In order to have a reality-based way of analyzing, evaluating, preventing, fighting, and dealing with sexual criminality, we must break free from such erroneous ways of thinking.

IX. Behavior of the Accused

One of the essential features in the evaluation of punishable sexual contacts -- especially sexual interactions -- is the extent to which violence, threats, and the abuse of power play a role.

Some of the paragraphs in the sexual criminal law relate directly to violent or threatening sexual behavior [F705], or to sexual situations that involve taking advantage of a position of power. [F706] In addition there are criminal law provisions which represent more moralistic conceptions, or are intended to prevent the possibility of harm to victims. [F707] In the case of these abstract risk offenses, from the perspective of the criminal law, it is not required to show that harm was actually done to the victim. From a victimological perspective, this certainly raises a question as to whether we are really talking about individual "victims" and "primary victimization" here. A person a) who does not feel him/herself to have been harmed or b) for whom no damage can be observed or measured probably cannot be classified as a victim, or even, as yet, as someone who has been harmed. [F708] At the very most, what is harmed in such cases is the moral ideology [F709] which says that certain sexual acts must not take place between particular groups of persons. [F710] From a victimological perspective this situation is a problematic one, when a moral order that is no longer supported by a majority or by large groups of the population is nonetheless still obliged to be defended. This appears, for example, to be especially true of the criminal law provisions in § 182 (n.v.) (Seduction). [F711]

Thus various legislators and critics of the sexual criminal law demanded again and again that the criminal law must have a strictly rational basis. It is not the task of the criminal law to protect morals, decency, and similar ethical values. [F712] Jäger saw the need for a decision to be made between a moral and a protective concept of the criminal law. [F713] Within the framework of the protective concept --- which will be explicitly advocated here -- there are on the victim side the variables "self-determination" and "psychological/physical inviolability" and on the perpetrator side the variable "formation of relationships without violence and the abuse of power"; these constitute clear objectives which can be facilitated with the help of the (sexual) criminal law. [F714]

In this section we concern ourselves with the behavior of the perpetrator in the offense situation; victim behavior is dealt with in section X, and the harm or absence of harm to victims is addressed in section XVI. It is thus striking that while on the one hand the sexual criminal law has special provisions relating to sexual violence [F715] and to the abuse of power [F716], on the other hand, certain groups are inadequately protected against sexual violence. Thus the rape paragraphs do not protect the married woman from marital rape -- despite the fact that these criminal acts are by no means rare. Furthermore, the definition of violence as per § 177 is construed by the judiciary relatively narrowly. [F717] In addition, rapes involving the use of oral and anal practices have up to now not been considered to be rape; they are only chargeable as sexual coercion. Such violent acts can undoubtedly be just as traumatizing to a girl or woman as forced coitus.

This work is primarily focused on a victim-oriented concept of violence. It is the victim's feelings that determine whether coercive, violent behavior was exhibited. [F718] Also, in cases where there was no use of physical

violence, and possibly in a situation where the perpetrator uses psychological pressure to take advantage of a relationship of power in order to render the victim compliant, it is assumed that the victim would be capable of making a retroactive evaluation of the situation. Given that the victim and perpetrator who are involved in the sexual offense are often the only witnesses to the event, for the purposes of this follow-up study -- in which feelings such as reprisal, revenge, and the need to obtain a conviction no longer play a role -- we can proceed based on the assumption that the victim is in a position to be able to make the most reliable statements concerning it. This description of the course of the offense, by the victim, is likely to be more authentic and, as a rule, more to the point than, for example, external interpretations reflected in civil servants' reports.

The violence aspect would appear to be quite essential to the analysis and evaluation of sexual offenses. As a group -- and even within any given criminal act situation [F719] -- sexual offenses comprise acts which are, criminologically speaking, quite different from one another. The most important differentiation and evaluation criteria would seem to be whether, and to what extent, the victim had experienced violence. Harm to the victim is also, to a large extent, a function of whether the perpetrator had behaved in a coercive or violent manner.

1. General Results

While 14.7% of declared sexual victims from Study 1 were known as victims of rape or sexual coercion, overall, 20.5% of victims had experienced threatening or violent behavior on the part of the suspected perpetrator. [F720] The follow-up study asked more detailed questions concerning experienced violence than were asked in Study 1. The results are presented in Tab. 49 (pg. 290).

In comparison with Study 1, in which 20.5% of declared victims reported having experienced violent or threatening behavior on the part of the suspected perpetrator, the figures for the panel-study were 29.4%-37%; nevertheless, the follow-up cross-section was representative of the overall group as per the variable "behavior of the suspected perpetrator." [F721] In addition, 2.7%-4.1% and 1.8%-2.7%, respectively, of victims recalled "insistent" or "alcohol-related" behavior on the part of the suspected perpetrator. [F722] Thus, in at least 32.1%-41.1% of the cases, the sexual victim felt that the perpetrator had disregarded his or her right to sexual self-determination.

Table 49:

Declared Sexual Victim's Characterization of Suspected Perpetrator's Behavior (in %), 6-10 Years Following the Reported Sexual Contact (Lower Saxony, 1979/1980 Follow-Up Study, N = 76/172 declared sexual victims)

Suspected Perpetrator's Behavior	Study 2 N = 76	Study 2, Complemented by Study 1 N = 112
He was friendly to me. We were friends.	19.2 } 1.4 } 20.6	12.5 } 0.9 } 13.4
He stood there; I could see him./ Other Behavior	27.4	47.3
He had give or promised me something.	8.2	5.4
He had drunk alcohol.	2.7	1.8
He was insistent. He had threatened me. He used physical violence against me.	4.1 } 12.3 } 41.1 24.7 }	2.7 } 9.8 } 32.1 19.6 }
	100.0	100.0

It is interesting to compare the same persons' responses to the SST (1969-1972) with the answers they gave in the RDSV questionnaire (1979/1980). Of the 15 declared sexual victims who, 6-10 years earlier, had said they experienced violent behavior on the part of the suspected perpetrator [F723], 13 reiterated this characterization today. One of these earlier self-characterized "victims of violence" now said that the perpetrator had been drunk, and the remaining one described the suspected perpetrator as having been friendly. Thus, in about nine out of every ten cases, the victim stuck by his/her earlier statements; namely, that the perpetrator had used physical violence. (Since the overall total was under 100, percentage values could not be given here.) These cases can be considered to be quite reliable: as was also clear from the case descriptions, the victims' characterizations remained steady and very credible. This means that a case of sexual violence -- provided it is accepted as such by the police -- has a very high degree of credibility.

Of the eight cases in which violent behavior on the part of the suspected perpetrator was described and recorded in the first study, one was characterized in the follow-up as involving a gift or promise by the suspected perpetrator; a second one consisted of the perpetrator just standing there (exhibitionist). In one case the victim later reported the presence of physical violence [F724], and in five cases

it was confirmed 6 to 10 years later that the suspected perpetrator had exhibited threatening behavior. Nevertheless, only about six out of every ten confirmed their earlier statements concerning "threatening behavior." (Appendix 48 contains the significance calculation of the differences in statements for these same declared victims between the time of the first study (1969-1972) and the follow-up (1979/1980). This is discussed in greater detail below.)

Only the SST questionnaire, in item 44, contained a third answer option: "by providing alcohol." [F725] The effects of alcoholism on the course of the act are addressed in greater detail below. [F726]

There were approximately 5,000 cases for which a response could not be -- or simply was not -- given; these constitute incidents involving "other behavior on the part of the suspected perpetrators." [F727] This means that in approximately 80% of the cases, the suspected perpetrator had exhibited something other than threatening or violent behavior. The customary view of sexual criminality does not imagine that there are also sexual offenses in which the suspected perpetrator just stands there (exhibitionists), is actually friendly towards the declared victim (many pedophiles), or was even friends with the declared victim (participants in "sexual play" or agreed-upon yet still punishable sexual relations).

In 89 (out of an overall 112) cases, the SST lacked a more precise description of the behavior of the suspected perpetrator. The follow-up study showed that of these 89 cases, there were only 52 [F728] in which the youth or man had just stood there (and the declared victim was able to get a good look at him) (= 6 out of every 10). These only constitute 46.4% of all followed-up cases. In 13 of the 89 "other cases" (= 1.5 out of every 10), the suspected perpetrator had behaved in a friendly manner; in 1 (= 0.1 out of every 10) he was friends with the declared victim, and in 5 (= 0.6 out of every 10) he had given or promised something. One (= 0.1 out of every 10) of these "other" cases belonged to the category "He had drunk alcohol"; three (0.3 out of every 10) to "He was insistent," six (0.7 out of every 10) to "He had threatened me," and eight (0.9 out of every 10) to "He used physical violence against me."

This means that the follow-up study showed that there were approximately 14-18 (+ 13%-16%) additional cases that were not originally recorded as violent but should have been; at the same time, 2-3 (- 1.8%-2.7%) cases originally categorized as violent were really nonviolent. Therefore, as far as insistent, threatening, and violent behavior on the part of the suspected perpetrators are concerned, there is a discrepancy -- to the victim's disadvantage -- of 8%-11% between Study 1 (21.5%) and Study 2 (32.1%). [F729]

("To the victim's disadvantage" means that the reported sexual contact was classified as less harmful than it really was.) Overall, in 17% of the cases, there was a disconnect between the original study and the follow-up. These shifts in the characterization of the behavior of suspected perpetrators from Study 1 to Study 2 are illustrated once more in Tab. 50:

Table 50:

Behavior of the Same Suspected Perpetrators, from the Perspective of the Declared Sexual Victim (or the Police), a) 6-10 Years After the Initial Report (vertical), and, b) at the Time of the Original Report (horizontal). (Lower Saxony; a) 1979/1980; b) 1969-1972; N = 112 declared sexual victims). [F730]

a) Follow-Up Study 1979/1980	b) 1969-1972	Other Behavior	Threats	Violence	
Friendly		13		1	14
Perpetrator/Victim were Friends		1			1
Gift, Promises		5	1		6
Perp. Stood There, Victim Saw Him		52	1		53
Perp. was Drunk		1		1	2
Insistent		3			3
Threats		6	5		11
Violence		8	1	13	22
		89	8	15	112

The extent to which violence is used against victims is obviously also a function of the latter's age sexual-developmental level. Younger, pre-pubertal children apparently experience violence more rarely, whereas older girls and women are more often victimized by perpetrators who intend to obtain sexual satisfaction by force. This was also posited in Hypothesis_{9.2} on pg. 147.

In order to be able to investigate this issue in a way that is not biased by skewing effects, in Study 1, all exhibitionistic contacts were excluded. Because of their frequency and homogeneity, these sexual contacts could have a very distorting impacts on the results, especially in terms of age distribution. In Tab. 51, threatening and violent behavior on the part of suspected perpetrators is listed by victim age, excluding (nonviolent) exhibitionistic acts:

Table 51:

Age of Declared Victims (vertical) and Behavior of Suspected Perpetrators (horizontal), Excluding Exhibitionistic Acts (Lower Saxony, 1969-1972, cases involving N = 4,999 declared sexual victims)
[Left- and right-most columns are labeled in English.]

	COUNT ROW PCT COL PCT TOT PCT	Behavior of Suspected Perpetrators		ROW TOTAL
		Other Behavior	Threatening, Violent Behavior	
Age of Declared Victims	1-5 yrs.	360 91.6 10.6 7.2	33 8.4 2.1 0.7	393 7.9
	6-11 yrs.	1,742 84.7 51.3 34.8	314 15.3 19.6 6.3	2,056 41.1
	12-14 yrs.	886 72.9 26.1 17.7	330 27.1 20.6 6.6	1,216 24.3
	>14 yrs.	408 30.6 12.0 8.2	926 69.4 57.8 18.5	1,334 26.7
	COLUMN TOTAL	3,396 67.9	1,603 32.1	4,999 100.0

[>E] Chi-square = 1235.05710; df = 3; sig. = 0. [<E]

Tab. 51 makes clear that with increasing victim age, a larger proportion of threatening and violent perpetrator behavior must be expected. Whereas 6-11 year-old victims were involved in 41.1% of all reported sexual contacts (excluding exhibitionism), only 19.6% experienced violence and

threats. Therefore the difference amounts to - 21.5%. For 12-14 year-olds, the difference only amounted to - 3.7%. Of those over 14 years of age, 31.1% more victims experienced violence and threats than would have been expected based on their share of the overall distribution (reported sexual contacts, excluding exhibitionism). (The differences are very significant; Hypothesis_{9,2} -- see pg. 147 -- is thereby confirmed.) This means that among sexual victims, older girls and young women more frequently experienced sexual violence. It is expected that these groups also include the victims who have been harmed the most.

2. Questioning of High-Ranking Police Officers as to Sexual Offense Phenomenology

A report on the results of the present studies was provided to various classes of candidates for higher police office. Most of these candidates came from the various German states; some were from the Federal Police Bureau. Most had many years of experience in police work, many of which were with the vice squad.

At the beginning of these seminars, the candidates were asked to fill out the questionnaire in Appendix 49, in order to control for any influencing effects of the presentation itself. [F731] The results for individual questions were collected at corresponding points during the course of the presentation. Average values for the group as a whole were then ascertained, which were then compared, in a discussion format, with each correct result. Any discrepancies were discussed among the group. We found that many individual assessments were actually fairly "close," that others were quite on-target, and that, whereas the average answers to some of the questions were fairly accurate, the responses to many others were really off the mark. These mistaken assessments by the group as a whole were likely related to prejudices and faulty everyday theories regarding these particularly problematic areas. This was designed to broaden seminar participants' awareness. The mean assessments from several seminars conducted between 1979 and 1982 were subsequently arithmetically averaged; this final value, along with the total range of assessments, is presented with the questionnaire in Appendix 49. (Moreover, it should not be overlooked that though atypical cases are seen again and again, they should nevertheless not be considered to constitute the norm. Such atypical individual cases are certainly not generalizable.)

The consultation with the police officers was described at this juncture because the assessment of perpetrators' violent behavior is especially important for the adequate assessment of sexual criminality. Anyone who assumes,

for example, that 90% of all sexual offenses involve physical violence, or who on the other hand supposes that "rape isn't so bad," that 95% of sex victims feel they were harmed, or that 85% of those accused of rape have been falsely accused not only have their figures wrong; they will also, in a critical case, treat a (declared) victim, patient, suspected perpetrator, perpetrator, or child inappropriately. It is clear that, whether intended to or not, the crude and incorrect assessments that flow from such prejudices have lasting effects on everyday behavior. [F732]

With the police officers' assessments of sexual offenses, it was found that many of the mean assessments were quite close to actual reality (the distribution of sexual contact types; the proportion of victims who did not defend themselves), that other mean assessments bore little resemblance to reality, and that many of the assessments were actually self-contradictory. Thus the officers believed that 53% of perpetrators behave in a threatening or violent manner. [F733] Consequently, the police officers were obviously going on the assumption that a large proportion of sexual offenses consisted of very serious cases of rape or sexual coercion. On the issue of harm, they stated, on average, that a full 72% of sexual victims would have been harmed; estimates ranged from 40%-100%. In contrast, on average, they estimated the figure for false accusations of rape at 25%. On this question, the assessments of the proportion of false accusations ranged from 5%-90%! [F734] Thus while it was supposed on the one hand that many sexual offenses are violent and most are harmful, it was nevertheless also assumed that an even higher proportion of accusations in rape cases are false. Now, it is apparent that some officers go on the assumption that due to the screening process inherent in the police's determination whether to even take down a report, it is predominantly only the "genuine" cases that remain. However, such a screening process can -- as was made clear by the example in Footnote 734 -- cause considerable suffering to victims.

In 1968, FBI reports asserted that 20 percent of all allegations of rape were proven, upon investigation, to be 'unfounded.' In 1973 the number dropped to 15 percent, whereas according to another FBI statement, rape was nevertheless the crime with the highest 'dark number'. . . A commission of policewomen appointed by the state of New York to study rape came to the conclusion that only 2 percent of rape reports were false," (Cooke: [>E] "Remarks . . . [<E]," pg. 6) "a percentage which approximately corresponds to that for other offenses." (Ibid.)

"The [>E] University of Pennsylvania Law Review [<E] attempted, in a long-term study, to establish a standard by which police rape reports could be declared 'founded'." ([>E] "Police Discretion . . .," in: University of Pennsylvania Law Review [<E], 1968, pg. 277 ff.)

"Cases which were reported 'only a few hours afterwards' and cases in which an unfamiliar perpetrator and 'unequivocal violence' played a role were the most likely to be acknowledged as constituting actual rape. Rapes by unfamiliar perpetrators which had taken place in a car were deemed more dubious than those which occurred in the home or on the street. All rape reports which involved the victim voluntarily getting into an automobile were treated by the police as unfounded. Although the law does not recognize it as a mitigating factor for the perpetrator, when the victim was under the influence of alcohol at the time of the act, 82 percent of these cases were nevertheless, in actual practice, not pursued any further. It appears that the police were more likely to believe a woman making a report when she stated that she had cried out than they were when she declared that she had quietly resisted. In this study, 22 percent of cases in which both the perpetrator and victim were black were turned away, though only 12 percent of cases involving two whites were. The authors write that: 'One is forced to come to the conclusion that this difference can be primarily attributed to the myth of the promiscuous black woman as well as a lack of confidence in their truthfulness.'" ([>E] "Police Discretion . . . [<E]," pg. 304)

"The author remarked that a disheartening secondary result of the study was that most women who filed a report were never told when it had been deemed to be unfounded. Police who assessed a woman as being untrustworthy in the initial interview merely filed her report under 'being handled by a private investigator.' It also came out that one woman who had made a report to the police was sent home without her address even being taken down, or the case was dropped without conducting any kind of investigation. Because such reports never appear in police records as actually being rape cases, the authors of the study concluded that the overall

number of 'unfounded' cases would be far higher than official documents would indicate. 'The police probably deemed at least 50 percent of rape reports to be unfounded.'" ([>E] "Police Discretion . . .[<E]," pg. 279). And Brownmiller concludes from the results of this study that: "The mystery of false statistics is that

statements by women do not appear to be as untrustworthy to other women as they do to men." [F735]

From the present study, we may conclude the following: When the police, on average, presume that a quarter of rape reports are false, given that this really only holds true in about 9% of cases (or fewer), in approximately 16% of cases (or more), officers make a mistaken classification. These discrepant classifications may in part be accounted for by the degree of threatening/violent behavior on the part of suspected perpetrators found in Study 1 (20.5%) and Study 2 (29.4%/32.1%). [F736]

3. Alcohol Consumption and the Use of Sexual Violence

It is striking that in the original SST questionnaire, besides the answer option "through the use of threats or violence," the only other category is "by providing alcohol." [F737] Only in 0.5% of the 8,058 reported cases was it asserted that the suspected perpetrator had provided the declared victim with alcohol. Consequently, alcohol played a similar role here as a means of obtaining compliance than is generally assumed.

Item 45 in the SST certainly shows that more victims reported that the suspected perpetrator had been drunk (14.7%). Of the declared sexual victims, 0.3% were listed as having been under the influence of alcohol. [F738]

In 1974, among 70,000 blood sample records from Kiel, Altrogge statistically analyzed data pertaining to 671 criminal sexual perpetrators and 20 rape victims. [F739] He wanted to find out whether sexual offenses occurred especially frequently under the influence of alcohol. Because -- as it is well-known -- blood samples are only taken in high-profile sex cases, it is likely that Altrogge's results would tend to understate the extent of the phenomenon. What is praiseworthy about this work is that the particular sexual offenses [F740] it comprises reflect the typical distribution of "offenses under the influence of alcohol." Altrogge asserts that: "Whereas sexual offenses only constitute 3.3% of overall criminality (excluding traffic offenses), sexual perpetrators comprise 8.8% of all criminal offenses committed under the influence of alcohol -- a figure which is almost three times as high. This leads to the conclusion that there is a positive relationship between being under the influence of alcohol and sexual

delinquency." [F741] With 8.8% of the total number of acts being committed while under the influence of alcohol, criminal sexual perpetrators thus comprise 5.5% more than would have been expected based on their share of overall criminality.

Overall, the influence of alcohol on the criminal behavior of sexual perpetrators has certainly been overestimated historically. "Among sexual perpetrators investigated by the police between 1954 and 1964, the proportion of those who were under the influence of alcohol was considerably smaller than has generally been assumed in the literature. The overall figure is approximately 4.5%. Due to generally increasing rates of alcohol consumption, today's figures might have increased to 6% or even 8%. Moreover there are considerable differences among particular kinds of sexual offenses. Thus the proportion of rapists under the influence of alcohol is at least 13% (up to a possible maximum of 20%), whereas for exhibitionists it is at least 8% (up to a possible maximum of 15%); for homosexuals it is about 5%, and for pedophiles it is 2.1%." [F742]

The 14.7% figure for suspected perpetrators under the influence of alcohol found in Study 1 [F743] is obviously at the high end of this scale. For some of the suspected perpetrators in the overall total, the presence of alcohol was probably merely surmised. Nevertheless, also taking into account Altrogge's findings, we may assume that perpetrator drunkenness played a role in the course of the sexual offense in approximately eight to ten percent of cases. But Altrogge also points out that particular groups of sexual perpetrators vary quite substantially from one another. Rapists are more often drunk than are, for example, pedophilic perpetrators (about 10:1 versus 7:1). Furthermore, young adult rapists are distinguishable from violent sexual perpetrators generally; they are under the influence of alcohol even more frequently than the average rapist. In Altrogge's study, 57% of the rapists who were drunk were between 21 and 29 years old. [F744] In Lower Saxony, 39.3% of those accused of rape were between 21 and 29 years old. This means that this age group is over-represented among violent sexual perpetrators who were drunk by approximately ($57\% - 39.3\% =$) 17%.

Altrogge believes that there is a connection between alcohol abuse and violent offenses, including sexual ones. [F745] It was already shown above [F746] that rapes predominantly occur between 9:00pm and 1:00 or 3:00am, frequently on weekends. Similarly, Altrogge maintains that "sexual offenses under the influence of alcohol . . . more frequently occur on weekends, during afternoon and evening hours, as well as in the summer months and during seasonal festivals,"

"which are when the bulk of alcohol consumption takes place."
[F747]

4. Nonviolent and Violent Behavior of the Accused

"Sexual perpetrators are sick monsters . . . They not only rape women and children -- they even snatch them away to do it. The sexual perpetrator is a stranger who lies in wait for the victim in the forest or on an unlit street, where he brutally assaults and then sexually abuses her. . . ."
[F748]

So says the stereotype of the sexual perpetrator that lives in many people's minds. We have already established that the characteristics "stranger" and "lies in wait in the forest or on an unlit street" only apply to a portion of suspected perpetrators, namely relatively harmless exhibitionists.

The result of such prejudices is that many studies no longer even pose the question as to whether suspected perpetrators or perpetrators might have had a neutral, nonviolent, or friendly contact with the "victim." [F749] When negative answer options are the only ones that are provided, it is natural that negative descriptions of perpetrator behavior are the only ones that will be given. The rest would then be "other." And yet, we know that many provisions of the sexual criminal law are explicitly still applicable even when the accused does not use any psychological or physical force. [F650] It is therefore to be expected that a few reported and convicted sexual contacts do not involve the use of violence. This should always be kept in mind, so that one does not speak in crude generalizations of the sexual offense. This is obviously a situation involving acts with very different proportions of aggressive behavior.

In Study 2, more detailed questions were asked concerning neutral and positive behavior on the part of suspected perpetrators -- from the perspective of the declared victim! The right-most column in Tab. 49 [F751] showed that in about two-thirds of all reported sexual contacts, the declared victim did not report any violent behavior on the part of the suspected perpetrator. In 47.3% of the cases he either stood there so that he could be seen by the declared victim or demonstrated "other" nonviolent behavior. The suspected

perpetrators were friendly to the declared victim in 13.5% of the cases, and were friends with the declared victim in 0.9%. In 5.4% of cases, the suspected perpetrator had "promised or given something." In all of these cases -- from the perspective of the declared victim -- aside from this behavior, there was no further violent or threatening behavior on the part of the suspected perpetrators. In the category "He stood there; I could see him/Other," two-thirds consisted of "Stood there" (thus only about 30% of all cases studied in the follow-up); the remaining one-third was "other." It is clear that nearly all of the criminal behavior here consisted of reports of exhibitionists [F752] who had displayed their erect penis to a random passer-by (usually girl or woman) from a certain distance. This behavior had been startling to many of the victims. In retrospect, however, most of the persons who had been confronted by it felt that the event was of no consequence.

This statement is supported when one looks at sexual contact type in terms of the proportions which involved violent or threatening behavior. Thus in Study 1 (SST questionnaire, N = 7,364), 53.5% of contacts consisted of sexual intercourse which was attempted or completed through the use of violent or threatening behavior on the part of the suspected perpetrator. For so-called "Petting Contacts" (genital touching and mutual masturbation) the figure was only 18.4%, and in exhibitionistic contacts this was a factor in a mere 46 of the 3,055 cases. This is only 1.5%.

The observed differences in Tab. 52 are very significant, clearly confirming Hypothesis_{9,1}, which stated that exhibitionists rarely exhibit violent or threatening behavior.

Such cases were frequently reported not by the "harmed" person her/himself, but by the parents or other relatives. The reports were frequently made because of an assumption that the exhibitionist, over the course of his criminal career, might develop into a rapist. And since, for the public's protection, rapists belong behind bars -- so says general opinion -- such potential rapists must also be isolated from society. Further above, in the section on "exhibitionists, anxiety-inducing penis presenters" [F753], it was described that these men usually have timid, inhibited personality structures, and that they mean to startle victims with their penis in order to confirm their own sexual potency. However, as a rule, there are no additional, ongoing sexual and/or aggressive behaviors associated with this.

Schorsch laid down a description of the exhibitionist that was very much on point. [F754] To begin with, he describes the effects of sexual exhibition on children as being "commonly greatly overestimated" [F755], and explains that the transition to manifest aggression

Table 52:

Behavior of Suspected Perpetrators (vertical) and
 Type of Reported Sexual Contact (horizontal)
 (Lower Saxony, 1969-1972, cases involving
 N = 7,364 declared sexual victims)
 [Left- and right-most columns are labeled in English]

	COUNT ROW PCT COL PCT TOT PCT	Type of Reported Sexual Contact			ROW TOTAL
		Exhibitionism	Erotic, Sexual Touching	Inter.- Like Acts, Intercourse	
Behavior of Susp. Perps.	Other Behav.	2,009 51.8 98.5 40.9	1,863 32.0 81.6 25.3	942 16.2 46.5 12.8	5,814 79.0
	Thr./ Viol. Behav.	46 3.0 1.5 0.6	419 27.0 18.4 5.7	1,085 70.0 53.5 14.7	1,550 21.0
	COLUMN TOTAL	3,055 41.5	2,282 31.0	2,027 27.5	7,364 100.0

[E]>]-Chi-square = 1998.724447; df = 2; sig. = 0. [<E]

in this perpetrator group is rare and atypical. Thus a criminal career which goes from exhibitionism to rape can only be said to occur in exceptional cases. [F756] The man presents his genitals in an explicitly quite anonymous way, in a clumsy attempt to cause personal offense to his victim. Such acts are more likely to be experienced as an annoyance. [F757]

"The exhibitionist projects his sexually-charged feelings onto his female counterpart; at that moment it is unimaginable to him that the woman concerned is, for example, preoccupied with her daily affairs, and that sexuality is the furthest thing from her mind. The absence of communication in such situations precludes any 'check' as to the feelings of others, which in turn precludes any corresponding adjustments in behavior. The sexual sentiment is a solitary one, and its projection onto the environment is a broadcast into the void. Actual

communication is typically not the exhibitionist's intent; rather, it is to have an encounter on an impersonal level, in which the anonymous power of the phallus is meant to break down all shame barriers. The exhibitionist's subjective motivation, to the extent it can be verbalized, is usually to startle

the woman, and includes the secret desire for a positive reaction, that the woman would show curiosity and fascination. In every case, the exhibitionist means for the exposed genitals to be taken seriously as sexual organs, and for their exhibition to be seen as an erotic acclamation; he wants a reaction, positive or negative. Exactly this reaction: a feeling of fascination or of being overwhelmed by the phallus' symbolic power are universal constants. The woman's shock is often caused by a fear of more active aggression . . . Whether the woman's response is more along the lines of moral indignation, pity, or a sense of the ridiculousness of such acts, in most cases, the exhibitionist's intentions are not consciously accepted and understood; the exhibitionist does not even realize what they are. And if he does become aware of them -- i.e., when the woman reacts not at all, neutrally, condescendingly, disparagingly, or with the gift of compassion -- then the excitement vanishes in a flash, and all that is left is shame.

"Exhibitionism is a sexual behavior that is practiced by young and middle-aged men. In teenagers one frequently gets the impression of a prolonged developmental crisis, which is less a fixated deviation than it is a substitute way of unburdening himself: young men with self-esteem problems, who feel inadequate in the face of age-dependent demands on male role behavior, use the exhibition to hide themselves behind impersonal male potency and demonstrate the phallic power inherent in anonymity, which they are not able to directly accomplish through their own individuality. Exhibitionism as a deviation also affects men in middle age who are not especially striking psychologically, who on the contrary are often remarkably inconspicuous, lead socially-integrated lives, and very frequently are fathers in stable marriages. Something which frequently is conspicuous in such men is the colossal insignificance of their lives -- uneventful, from the beginning detached and disengaged forms of existence with but little individual elbow room, often regimented to such an extent that they lack the freedom to develop identifiable personalities. The exhibition is then experienced as a pleurably liberating momentary antithesis to the monotonous averageness of everyday life, a breaking out of the incessant rules, from being tied up by rigidly formal regulations. Because of its impersonal anonymity the exhibition is perfectly suited to such breaks, because it does not necessitate risk to the individual; thus in the exhibition, it is not the person but only the anonymous genitals that are exposed. The individual remains on the outside, hiding himself, so to speak, behind the phallus." [F758]

The exhibitionist -- in spite of the various aforementioned myths which still stubbornly hang on is not a potential perpetrator of (sexual) violence. Undoubtedly there are particular cases reported again and again where the life course

of the rapist is retrospectively said to have been predictable based on certain striking features of the exhibitionistic acts. [F759] These cases are, however, clearly exceptions. [F760] In such retrospective examinations, other, more essential prognostic characteristics are often overlooked.

"In any event, our data does not warrant the conclusion that a high percentage of these men had sought out specific sexual contact. On the contrary, it may be assumed that only an extremely small percentage of exhibitionists would have caused any physical harm to these girls. In the criminal records, there are only a few cases of rapists who had started out as exhibitionists." [F761] "The fact that a sexual criminal rarely goes from less to more serious criminal acts is also confirmed by Guttmacher (1951) ('In the first place, like most other studies, ours showed that sexual offense recidivism is rare, and second, that the belief that the sexual perpetrator commits every more serious criminal acts over the course of time lacks any foundation')." [F762]

With this issue, the entire crux of the actual course of deviate sexual behavior becomes clear. Increasingly, scientists are again and again adamantly pointing out that, as a rule, there is the criminal career of the exhibitionist, and the criminal career of the rapist, and that these two offense and perpetrator types are fundamentally different from one another. Nevertheless, they are again and again treated as if they were homogeneous, including by the police. [F763] Moreover, anyone who has worked intensively with a representative cross-section of rape cases knows that they frequently take place within friendly, known, and familiar circles, and that rapists have more in common with other violent perpetrators than they do with sexual perpetrators per se. A batterer, robber, or covertly aggressive, agitated person [F764] is much more likely to commit a rape than an exhibitionist or pedophile is. Thus Berner, Grünberger, and Sluga, in a study of recidivism among sexual perpetrators [F765], also maintain that exhibitionists, homosexuals, and pedophiles predominantly recidivate in their own offense areas, whereas rapists and perpetrators of violence mainly recidivate in the areas of robbery, assault, rape, and coercion. These findings, based on sexual delinquents arrested in Austria, are supported by the overall results from Lower Saxony. [F766]

When one subdivides suspected perpetrators into the groups "no previous sex offense convictions," and "one or more previous sex offense convictions," it is then shown that:

- suspected perpetrators who were accused of sexual intercourse and intercourse-like acts were somewhat less likely to have been previously convicted of a sexual offense.
- suspected perpetrators who were charged with 'petting' were clearly more likely to have been previously convicted of a sexual offense, and,

XX

- convicted exhibitionists were somewhat more likely to have been previously convicted of a sexual offense. [F767]

Subdividing suspected perpetrators into the groups "exhibited threatening or violent behavior" and "exhibited other behavior" does not provide any additional information regarding previous sexual offense convictions. This means that sexually violent perpetrators are not distinguishable in terms of previous convictions in the sexual sphere. [F768] Looking at previous convictions for criminal sexual acts cannot be used as a way of "sifting out" violent sexual perpetrators from sexual offenders in general. The assumption that there is a sexual-criminal career (Exhibitionist >>> Homosexual/Pedophile >>> Rapist >>> Sex Murderer) is quite obviously false. Exhibitionists' and most pedophiles' "careers" [F769] are clearly such that throughout the course of their lives, members of these groups again and again commit acts in their own offense areas. To the extent that an exhibitionist in a given locale is apprehended by the police again and again, and his career is known in terms of its frequency and culpability, he will experience a decrease in social stature.

For the suspected perpetrators from Lower Saxony, the data was evaluated not only in terms of the criteria "previous sexual offense convictions," but also by the criteria "all previous convictions." Of the exhibitionists, 10.4% had some kind of previous conviction [F770]; the figure for suspected perpetrators of petting contacts was 22.1%, and for suspected perpetrators of sexual intercourse (or intercourse-like acts) it was 22.9%. [F771] This result already shows that whereas fewer suspected perpetrators had participated in sexual offenses involving more serious sexual acts, more of them had some kind of previous criminal conviction. [F772] When one isolates suspected perpetrators who had behaved in a sexually threatening or violent way, 23% had some kind of previous conviction, whereas only 16% of nonviolent sexual perpetrators did. [F773]

In spite of the weaknesses in the construction of Study 1 with regard to suspected perpetrators' previous convictions [F774] -- whereby a carefully-conducted special study on this would probably have yielded even clearer results along these same lines -- the present study confirms the findings of the Austrian study, which in turn were supported by various other sexological works: Nonviolent sexual perpetrators, such as exhibitionists and pedophiles, are often so strongly fixated on their own particular forms of sexual satisfaction that they engage in these same sexual behaviors again and again. Violent sexual perpetrators, on the other hand, are likely to behave violently in other interactional areas. It is thus not at all surprising when a robber is also found to be a batterer, (child) abuser, or rapist. Because career-patterns in the area of sexual offenses are especially strong, it should be possible to phenomenologically compartmentalize them (i.e., the careers of teenage exhibitionists). Earlier sexual offense career-models were wrong because the phenomenology of sexual offenses was poorly understood. There is no doubt that nonviolent and violent sexual offenses are clearly distinguishable from one another. [F775]

This should have a significant impact on police practice. An unidentified rapist is not as likely to be found by looking at general sexual perpetrator records as he is by examining the previous records of violent delinquents. This should be taken into account, for example, when conducting photographic lineups.

It has also been shown that the idea of the "criminal career," at least as it applies to the sexual sphere, is mistaken. For a long time, it was hoped that the career model would aid in the early detection and arrest of perpetrators of capital offenses. [F776] In any event, in actual practice the sexual perpetrator career-model only has a small degree of [>E] "face validity" [<E] in particular cases, and only in retrospect. The supposition that the typical sexual perpetrator commits ever more serious criminal acts over the course of his life comprises three basic assumptions, which we shall now review.

a. Sexual Intensification

In many people's experience, what are deemed "normal" sexual contacts always start with superficial touches and kissing, but then inevitably result in sexual intercourse. It is assumed that sexual perpetrators' sexual practices follow this same pattern. Perpetrators who were at different "stages of arousal" (visual contacts with exhibitionists, petting contacts with pedophiles -- classified as "foreplay" -- and sexual intercourse for rapists) are thus all viewed as persons who did in fact ultimately desire sexual coitus with their victims, but had simply been apprehended at a certain stage in their sexual careers. Moreover, their sexual development or career is seen either in terms of an individual sexual act (example: "If he had not been stopped in time the pedophilic perpetrator would certainly have attempted sexual intercourse with this child" [F777]) or in terms of the overall course of the perpetrator's sexual life ("If he had not been arrested, the pedophilic perpetrator would surely have attempted sexual intercourse with a different child sometime in the next few years" [F778]). Apparently, we can scarcely conceive of the fact that it is characteristic of some sexual perpetrators that they have no desire to increase the intensity of the sexual act, and actually "stop" at a particular level of contact, repeating the corresponding act over and over again. [F779] The assumption of a necessary intensification in sexual practices is based on people's experiences with traditional sexuality, and cannot be automatically carried over to those whose overall sexual behavior is deviant.

b. Intensification of Violence

Because the rapist by definition commits (or at least attempts to commit) sexual intercourse, and since the connection between violence and

sexual intercourse is also stronger in traditional sexual behavior than we would care to admit, many people assume -- as was mentioned (but not substantiated!) in section a. -- that along with an increase in sexual act intensity, there is also a rise in sexual perpetrators' use of violence over the course of their criminal careers. Moreover, as was discussed in section a., rather hasty conclusions are drawn regarding deviant sexual behavior, based on patterns of traditional sexual practices. This type of conclusion by analogy must first, however, be empirically [F780] substantiated. This can only be done through a longitudinal study of a large, randomly-selected sample of professionally-diagnosed exhibitionists, in order to be able to track their life course# or career. According to the opinion of prominent sexual scientists, it has been shown that the careers of these exhibitionists are generally comprised of habitual exhibitionism, which in and of itself increasingly brings them into conflict with the legal system and with their environment. This leads to increasing social difficulties, which in turn results in a career characterized by "social marginality." [F781] Obviously, this career type is only very rarely associated with the career of a "rapist." Attempting to characterize a rapist's life course in terms of a "preliminary exhibitionist stage" is a very serious methodological mistake. The proper procedure would be to track the sexual lives of hundreds of exhibitionists, in order to ascertain how many became violent perpetrators, how many remained at the level of nonviolent exhibitionistic behavior, and even how many went on to practice traditional sexual behaviors, attracting no further attention. On the other hand, the claim of many authors, that the exhibitionist's sexual-criminal career ultimately results in the use of (sexual) violence, is not supported by the relevant research.

c. Faulty Sexual Offense Systemization

Therefore, the idea of the sexual-criminal career (exhibitionist >>> homosexual/pedophile >>> rapist >>> sex murderer) has already been shown to be faulty, because the various "sexual offenses" comprise a rather arbitrary, inexpertly-defined group. Thus rape is a violent and a sexual offense, whereas exhibitionistic or pedophilic acts -- as a rule -- are merely deviant, punishable sexual behaviors. Although cases in which an "exhibitionist" simultaneously exhibits violent behavior (i.e., he grabs the woman's breast in a rough manner) or in which the "pedophile" -- besides the sexual act -- also commits an act of physical violence (i.e., raping the child, as a substitute sexual object) are properly classified crimino-legally, but not criminologically. Both of these cases involving the use of (sexual) violence pose classification difficulties; but

these problems have less to do with sexual offense classification than they do with classifying (sexually) violent offenses.

The (from a criminological perspective) faulty systemization of sexual offenses leads to a mistaken inference that the rapist must have previously been seen committing a less harmful sexual offense at least once. If escalating evolutions in contact type really do play a role in certain situations, then they should be reflected in a well-grounded criminological systemization.

Combining different kinds of deviant sexual behaviors and violent, sexually-related criminal acts under the common heading "criminal acts against the right to sexual self-determination" suggests that the sexual component is always the most salient feature of these acts. Furthermore, this classification implies that these offenses share common characteristics, which distinguish them from other kinds of offenses. [F782] Indeed, rape and sexual coercion obviously do have a lot in common with other offenses involving violence and coercion. But the overall system for classifying these criminal acts needs to be revamped. [F783] Moreover, it is essential that a distinction be made between perpetrators who act in a threatening or violent manner, and those who do not.

Using the "Criminal Act Classification System" [F784], perpetrator behavior can only be ascertained for the groups "Lewd Acts With and Against Children" and "Rape and Coercion for the Purpose of Committing an Indecent Act." With the questionnaire technique employed here, it was simpler to use the same descriptions of perpetrator behavior for all criminal sexual acts. [F785] Classifications were thereby made clearer.

Furthermore, with "Lewd Acts With or Against Children," in the category "Type of Initial Contact," perpetrator behavior possibilities and locations (such as motor vehicle, at the entrance to the home) are intermixed:

- "a) awakening curiosity or appealing to the child's need for a role model
- b) promising or giving gifts
- c) offering a ride in a motor vehicle
- d) invitations to events of any kind
- e) appealing to the child's willingness to help
- f) offering his own help
- g) pretense of official duties or challenging child's behavior
- h) acting like a real estate agent, solicitor, door-to-door salesman
- i) other." [F786]

Further below, where "locations" are mentioned, the criticism might be made that "school" and "kindergarten" could certainly also be listed under "indoors." [F787]

In addition, under number 3., "Particular Perpetrator Behavior,
 a) threats [and]
 b) the use of violence" [F788] can be entered. Therefore, there is no option for friendly or neutral perpetrator behavior. An analysis of the offense group "Sexual Abuse of Children" using this schema will inevitably lead to faulty conclusions.

In item B. as well, "Rape and Coercion for the Purpose of Committing Rape" [F789], any phenomenological analysis using the above schema would also be rather meaningless. The typical, serious case of rape or sexual coercion can only be described here using eight classification categories [F790], which moreover almost exclusively describe perpetrator behavior; furthermore, they are also partly overlapping:

"B. Rape and Coercion for the Purpose of Committing Rape

1. Approaching the Victim

- a) by establishing contact
- b) by surprise

2. Attacking the Victim

- a) intimidation
- b) using physical violence
- c) threatening with a weapon

3. Perpetrator's Background

- a) real estate agent, solicitor, door-to-door salesman, etc.
- b) official, doctor (incl. impersonaters)
- c) teenage gang." [F791]

It is not clear why "by establishing contact" and "by surprise" are subsumed under "Approaching the Victim," whereas "intimidation" is not. Conversely, the fact that "by surprise" does not appear under the category "Attacking the Victim" makes little sense. In addition, the description "official, doctor (incl. impersonaters)" encompasses not only the perpetrator's actual background, but also deceptive perpetrator behavior. Overall, "Perpetrator's Background" is also missing the essential groups of known and

related perpetrators. It also becomes clear here that given the faulty way rape has been systematized, it is not possible to produce any substantial findings concerning reported rapes and sexual coercion. This means, among other things, that one is obliged to carefully develop a proper systemization for traumatizing offenses (such as rape and sexual coercion). Only a comprehensive, objective analysis of extant criminality will be able to provide an adequate foundation for developing suitable police procedures. Faulty and/or fragmentary analyses lead to serious assessment errors.

5. Accused's Violent Behavior and Location of the Act

It was already explained above [F792] that the point in time when the criminal act takes place depends a lot on opportunity. Thus, rapes and sexual coercion are more frequently committed on weekends [F793], predominantly between 9:00pm and 1:00-3:00am. [F794] These are obviously the times when young women [F795] have relatively more contact with (frequently familiar) potential perpetrators, and when victimogenic situations -- which could lead to violent sexual offenses -- are most likely to develop.

There is likely to be a great deal of interest in knowing which act locations are most often the scenes of violent sexual offenses. Tab. 53 provides an overview of the act locations for reported sexual contacts from Study 1.

Suspected perpetrators were twice as likely (+102%) to have been accused of exhibiting violent and/or threatening behavior when the act location was a motor vehicle (observed value = 182 cases; theoretically-expected value = 95). This confirms the often expressed presumption that relatively many violent sexual contacts take place in automobiles. [F796] At the same time, it should certainly not be overlooked that -- in terms of absolute numbers -- sexually violent offenses occurred with greater frequency in three other act locations: park/forest (400); school route/street (327) and the home of the declared victim (258). Of these three act locations, "park/forest" is somewhat over-represented (+6.7%) among violent sexual contacts (observed: 400; expected: 375); the "home of the declared victim" is clearly more frequently represented (+22.9%) than had been expected (observed: 258; expected: 210). [F797]

Table 53:

Act Location (vertical) and Behavior of Suspected Perpetrators (horizontal) in Reported Sexual Contacts (Lower Saxony, 1969-1972, reported sexual contacts involving N = 7,059 declared sexual victims)

Act Location \ Behavior of Suspected Perpetrators	Threatening and/or Violent Behavior	Other Behavior	
Home of the Declared Victim	258 / 210	756 / 804	1,014
Home of the Suspected Perpetrator	138 / 166	663 / 635	801
Attic, Basement Unfamiliar Dwelling	68 / 80	318 / 306	386
Public Establishment, Construction Site, School	43 / 53	215 / 205	268
Motor Vehicle, Public Transportation	182 / 95	275 / 362	457
Playground, Public Pool, Amusement Park	45 / 69	289 / 265	334
Park, Forest	400 / 375	1,413 / 1,438	1,813
School Route, Street	327 / 413	1,669 / 1,583	1,996
	1,416	5,598	7,059

chi-square = 1171.7823; df = 7; p < .01

On the one hand this shows that, as had been expected, rape and sexual coercion frequently occur in "parks and forests," as well as on "school routes and streets." On the other hand, it was somewhat surprising that the next most frequently named act location for these offenses was the home of the declared victim. Overall, 31.8% of dangerous sexual victimizations took place indoors; indeed,

predominantly in the perpetrator's and/or victim's home. This presumably has more to do with the previously existing degree of acquaintance between victim and perpetrator. [F798] With their closer social proximity to victims, familiar and related perpetrators have more opportunities to commit these acts. The frequency with which even violent offenses take place in this intimate social sphere is certainly alarming.

At this point, it must again be pointed out that the prevalent stereotype of the sexual perpetrator [F799] has been shown to be false. Violent sexual perpetrators, who pose the greatest risk to victims, are not the persistent instinctual sexual perpetrators, but are instead normal-appearing persons in the victim's own familiar and related circle. Even though exhibitionists and pedophiles [F800] -- who we deem to be particularly perverse -- are indeed more likely to recidivate, they nevertheless pose less danger to their victims. It is also rare for these people to become rapists. Perpetrators who lay in wait for their victims behind bushes are, predominantly, rather harmless exhibitionists. Nearly a third of reported violent sexual contacts take place in the home of the declared victim and/or of the suspected perpetrator, and a further 12.5% occur in automobiles. It is, moreover, notable that sexually violent perpetrators rarely force their victims into the car; instead, the victim more often believes that he or she can trust the man; i.e., because he or she had previously met him at a bar or discotheque. Stopped-car situations are also dangerous for victims. Here, victims often get into the vehicle of their own accord.

Surprisingly, when we warn victims against stranger sexual perpetrators, we are warning them -- in most cases -- about the absolute least harmful perpetrator group. [F781] Such information, which confuses and unsettles the victim rather than educating him or her, is based on faulty criminological analyses, which are themselves the result of ideological bias [F802]; they are furthermore reflected in the helplessness of educators who would rather warn children about anonymous dangers than teach them concrete ways to resist questionable demands, even when such threats come from the child's own inner circle.

X. Behavior of Declared Victims

1. Victim Behavior in Sexual Offenses, Generally

Based on the child and female roles that most victims occupy, perpetrators have gone on the assumption that most victims will comply with their active or aggressive sexual behavior.

Children are brought up to be obedient to adults. During their sexual upbringing, girls learn that they are expected to exhibit passive sexual behavior. In addition, potential sexual victims are advised to passively suffer sexual attacks, so as not to provoke the perpetrator into committing murder. [F803]

Furthermore, when one considers that a major portion of reported sexual acts are nonviolent [F804], then it must be expected that overall, relatively few declared victims will have exhibited defensive behavior.

Sexual victims' behavior, conditioned by their traditional sexual roles, has historically been largely contingent upon perpetrator behavior. Correspondingly, the offense situation itself -- above all the violent one -- is initiated or even determined by the behavior of the perpetrator. [F805] Situations in which a girl or woman provokes a man into committing a violent sexual act are extremely rare; nevertheless, sexually violent perpetrators declare again and again that they had been provoked into committing the act, by the victim's appearance, clothing, or behavior. In the further course of the criminal act, interactive communication between perpetrator and victim takes place. In many such conflict situations, these mutual influences are not able to significantly alter the ultimate course of the event. Indeed, with increasing escalation, the degree of interactional 'play' appears to decline. This is important because it means that in certain situations, the victim has very little freedom to choose among different, self-determined ways of conducting him or herself.

Thus the woman who encounters an exhibitionist and reacts in shock, has already become a victim. Because the act happens so quickly, the victim is frequently able to recognize her victim status only in retrospect. The so-called 'sex murder' [F806]