



When is a murder a sexual murder? Understanding the sexual element in the classification of sexual killings



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ABSTRACT

Purpose: This paper considered the different ways the sexual element and the act of killing could be connected in sexual homicide cases by assigning each case as belonging to either directly or indirectly related groups.

Methods: A total of 350 non-serial male sexual killers of females aged 14 years or over, who had been convicted and served a custodial sentence within UK Prison Service, were included in the study. The cases were assigned as belonging to either the direct (the sexual aspect and killing were closely connected) or indirect (the killing was not a source of sexual stimulation) group. Once classified, logistic regressions explored the factors related to the criminal events of the two perpetrator groups.

Results: The results noted predictors that could effectively differentiate between the indirect and the direct cases. The presence of two of Ressler, Burgess, and Douglas's (1988) criteria lowered the odds of the case being classed as indirect.

Conclusions: The paper argues that the direct sexual killer is the 'true' sexual killer. This is because for these perpetrators the sexual element and the act of killing were integral in the criminal event, and thus the killing at some point provided a source of sexual stimulation.

1. Introduction

"The difference between homicide and assault may simply be the intervention of a bystander, the accuracy of a gun, the weight of a frying pan, the speed of an ambulance or the availability of a trauma centre."

(Gottfredson & Hirshi, 1990, p. 34)

In the absence of disclosure from the perpetrator, the over-riding issue in possible sexual homicide is to reliably classify killings as sexual (Carter, Hollin, Stefanska, Higgs, & Bloomfield, 2016). Currently, in research, the most widely used definition of sexual homicide is that proposed by Ressler et al. (1988). It relies entirely on physical evidence readily available at the crime scene or obtained during the investigation and requires at least one of the criteria to be met: (a) victim lacks clothing (b) exposure of the sexual parts of the victim's body, (c) the body is found in a sexually explicit position, (d) an object has been inserted into a victim's body cavity (anus, vagina, or mouth), (e) there is evidence of sexual intercourse, (f) there is evidence of substitutive sexual activity (e.g., masturbation and ejaculation at the crime scene), or of sadistic sexual fantasies (e.g., genital mutilation). A study by

Carter et al. (2016) showed that using the Ressler et al. (1988) definition of sexual homicide with non-serial killers is useful when attempting to identify the likelihood of a sexual element to the murder. However, in some cases the forensic evidence of sexual contact might be misleading, suggesting that the murder should be assessed as a sexually-related homicide, even though the killing occurred following consensual sexual activity (Clarke & Carter, 2000). Therefore, a thorough case formulation should not only focus on the motivation behind the killing but also it should place the offence within a situational context by examining the way the sexual element was related to the killing within the criminal event (Carter & Hollin, 2014).

When turning to the question of motivation, while killing in pursuit of sadistic pleasure is commonly noted in sexual homicide, it is not a feature of all cases. In classification studies, apart from the sadistic type, the angry sexual killers have also been consistently identified (Proulx, 2008) and some studies additionally describe a sexually motivated perpetrator. Clinical, statistical, and theory-led approaches have been used to examine prototypical characteristics of perpetrators differentiated by their motivation to sexually kill. Various aspects such as development, personality traits, crime situational factors and *modus*

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operandi have been considered depending on whether the focus of investigation was theoretical advancement, treatment or criminal profiling (Kerr, Beech, & Murphy, 2013).

1.1. Differences between sexual killers and other sexual offenders

In order to understand what discriminates lethal from non-lethal sexual assault, and whether sexual killers represent a distinct group of sexual perpetrators, research also compared sexual killers with sexual aggressors (specifically perpetrators of rape or attempted rape). Overall the groups appeared to have more similarities than differences (Stefanska, Beech, & Carter, 2016). More recently, Beauregard and Martineau (2016) also added violent non-homicidal sexual offenders (i.e. those who inflicted physical injuries that go beyond forced sex) as a comparison group. The overall picture suggested that the main differences could be found between the violent non-homicidal sexual offenders and the sexual aggressors. While the former group of offenders resembled antisocial perpetrators who had a diverse criminal career and proclivity for violence, the latter group fitted a general description of a “traditional” sex offender who was mainly preoccupied with sex. Interestingly, sexual murderers shared characteristics of both groups and appeared to combine both deviant sexuality and antisociality.

1.2. Types of sexual killers

To expand on this, for the sadistic sexual killers, the offence appeared to be a result of sexual excitement to sadistic fantasies reinforced by the use of pornography and compulsive masturbation. Accordingly, in most cases, their crime was planned, the victim was selected on the basis of specific criteria and a con strategy was used when the perpetrator first came in to contact with the victim. These offenders were more likely to exert control over their victim with the use of restraints. Victims might have been kidnapped, confined for long periods, humiliated and tortured. Incidences of post-mortem sexual interference, post-mortem mutilation as well as ritualistic elements (e.g. combing hair) and bizarre crime behaviour (e.g., cannibalism or positioning of a body) were also noted (Beauregard & Proulx, 2002; Beauregard, Proulx, & St-Yves, 2007; Beech, Fisher, & Ward, 2005; Clarke & Carter, 2000; Kocsis, 1999; Meloy, 2000; Stefanska, Carter, Higgs, Bishopp, & Beech, 2015). The unusual acts during the crime event are likely to represent enactment of a deviant fantasy (Ressler et al., 1988). In fact, a recent study by Higgs, Carter, Stefanska and Glorney (2015) found that a similar number of sexual aggressors and sexual killers engaged in unusual acts when offending but the psychological function of behaviours seemed different. Overall, sexual aggressors were less ritualistic and tended to include acts such as attempting to engage the victim in conversation and offering to escort them home. In the post-crime phase, these offenders were more likely to destroy or remove incriminating evidence, clean the scene and conceal the victim's body (e.g., Beauregard & Proulx, 2002; Beauregard et al., 2007; Beech et al., 2005; Clarke & Carter, 2000; Kocsis, 1999; Meloy, 2000; Stefanska et al., 2015).

In contrast, the offence of the angry sexual killer tended to be triggered by something that a victim said or did which resulted in a violent attack with evidence of ‘overkill’ often being present. The spontaneity of the offence was reflected in the crime scene as the victim was not preselected and the killing was unplanned. As such, items enabling the perpetrator to facilitate the crime were absent and the weapon was often picked up at the crime scene. There was some evidence of post-mortem interference and post-mortem mutilation; although on average the prevalence of such incidents was lower than in the sadistic group. The crime scene was generally left uncleaned and the body was not moved (e.g. Beauregard & Proulx, 2002; Beauregard et al., 2007; Beech et al., 2005; Clarke & Carter, 2000; Kocsis, 1999; Meloy, 2000; Stefanska et al., 2015).

For the sexually motivated killer, the main objective was sexual assault. While the offence might have been planned, victim selected and offence driven by prior fantasies, the offence was not characterised by post-mortem sexual interference, post-mortem mutilation or ritualistic behaviour. The killing appeared to be carried out either to silence the victim or to avoid detection (Beech et al., 2005; Clarke & Carter, 2000; Kocsis, 1999; Stefanska et al., 2015).

1.3. Sexually motivated sexual killers

Proulx (2008) considered identification of sexually motivated perpetrators problematic. Given that as a group they appear to be characterised by an absence rather than a presence of features (e.g., lack of post-mortem sexual interference or overkill) but at the same time they might share certain crime scene aspects with the other two groups (e.g., premeditation), they could be confused with either the sadistic or the angry type (Stefanska et al., 2015). Thus, considering whether or not the sexual aspect and the killing were closely bound could sometimes help in understanding the context in which the sexual element occurred (Carter & Hollin, 2014). For example, premeditation or victim selection seems to be a shared feature of both sexually driven and sadistic perpetrators. However, contrary to the sadistic type, for the sexually driven perpetrator killing plays an instrumental role with no evidence suggesting that the act of murder was sexually gratifying (Stefanska et al., 2015).

Indeed, the instrumental killing in the sexually driven group makes these perpetrators more akin to non-homicide sexual aggressors. The offence itself could be understood as evolving in the context of victim-aggressor dynamic (Polaschek & Hudson, 2004) fitting the continuum conceptualisation of sexual aggression (i.e., that rape and sexual killing should be viewed as occurring at extreme ends of a single continuum with the level of violence distinguishing between the types of offence, Oliver, Beech, Fisher, & Beckett, 2007; Proulx, Cusson, & Beauregard, 2007; Salfati & Taylor, 2006).

1.4. Anger as a motivator

Anger as a motivational drive in the typology of sexual killers has been questioned due to the unclear connection between the perpetrator's mood and the sexual component of the offence (Myers, Husted, Safarik, & O'Toole, 2006). At a physiological level, Myers, Husted, Safarik, and O'Toole (2006) argued that sexual arousal and anger are negatively related because a fit of rage would inhibit the ability to sustain an erection (details of these physiological mechanisms are beyond the scope of this paper, see Myers et al., 2006 for details). Although the authors acknowledge that some men find subjecting another person to pain and even killing erotic such cases should be considered to represent sexual sadism regardless of whether anger initially played a part in the offence (Myers et al., 2006).

Carter and Hollin (2014) further argued that capturing anger as a motivation in sexual killings describes a characteristic of the perpetrator but does not adequately explain the way the sexual element and the killing were related. In contrast to sadistic offences, where the act of killing and sexual excitement were closely bound, and in contrast to instrumental killings, where the murder was not a source of sexual stimulation, the sexual aspect in an angry perpetrator is not addressed.

1.5. Considering the sexual element when classifying sexual killers

Although the Ressler et al. (1988) definition can be useful when identifying the likelihood of a sexual element to the murder (Carter et al., 2016), in some cases, the forensic evidence of sexual contact might be misleading for example if the killing occurred following consensual sexual activity (Clarke & Carter, 2000). As such, when classifying sexual killing, Carter and Hollin (2014) suggested placing the offence within a situational context by considering the different

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