



# Offending patterns for serial sex offenders identified via the DNA testing of previously unsubmitted sexual assault kits

Rachel Lovell<sup>a,\*</sup>, Misty Luminais<sup>a</sup>, Daniel J. Flannery<sup>b</sup>, Laura Overman<sup>b</sup>, Duoduo Huang<sup>b</sup>, Tiffany Walker<sup>b</sup>, Dan R. Clark<sup>c</sup>

<sup>a</sup> Case Western Reserve University, 11235 Bellflower Road, Cleveland, OH 44106, USA

<sup>b</sup> Case Western Reserve University, 11403 Bellflower Road, Cleveland, OH 44106, USA

<sup>c</sup> Lakewood, OH, USA

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## ABSTRACT

**Purpose:** Much of what we know about serial sex offenders is based on multiple sexual assaults linked via conviction or self-report or offenders who primarily target strangers. Our data are derived from serial sex offenders linked via DNA testing of unsubmitted sexual assault kits—which provides a more objective examination of offending patterns.

**Methods:** Study uses descriptive statistics, chi-square tests, and sexual assault narratives to explore offending patterns for serial vs. nonserial sex offenders and crossover offending patterns by relationship, age, and gender for serial sex offenders. We examine crossover offending patterns for three groups of serial sex offenders: those who assaulted only strangers, both strangers and nonstrangers, and only nonstrangers.

**Results:** Findings show significant crossover offending by relationship and age. Over one-quarter sexually assaulted both strangers and nonstrangers. Serial sex offenders often vary their offending pattern across offenses. The offender-victim relationship appears particularly salient when assessing offending patterns.

**Conclusions:** Offending patterns are not a consistently reliable link across assaults. Many of these sexual assaults had not been linked prior to DNA testing, thereby illustrating the power of the DNA testing of SAKs for identifying and linking serial sex offenders, particularly when testing is followed by a thorough investigation.

## 1. Introduction

Hundreds of thousands of sexual assault kits (SAKs), also known as rape kits, have languished, untested in evidence storage facilities across the United States. A SAK is a set of items used by medical professionals for collecting and preserving evidence from a victim<sup>1</sup> of sexual assault for the purpose of investigation and prosecution. SAK examinations are usually administered in a hospital, take approximately four to 6 h to complete, and involve medical professionals photographing, swabbing, and examining the victim's entire body for evidence (Campbell et al., 2015; RAINN, 2016).

The existence of such a large number of untested SAKs highlights the criminal justice system's inadequate response to sexual assault (Bettinger-Lopez, 2016; Department of Justice, 2016; Luminais, Lovell, & Flannery, 2017). By not testing SAKs, victims are often denied a speedy judicial resolution (Strom & Hickman, 2010) while testing

SAKs sends a supportive message to victims (End the Backlog, 2016; Spohn, 2016). Unsubmitted SAKs are missed opportunities to identify unknown offenders, confirm the identity of known offenders, connect offenders to previously unsolved crimes, possibly exonerate innocent suspects, and populate the federal DNA database (Campbell, Pierce, Sharma, Feeney, & Fehler-Cabral, 2016; End the Backlog, 2016; Lovrich et al., 2004; Spohn, 2016).

Large “backlogs” of unsubmitted SAKs exist for several reasons. First, many SAKs pre-date modern DNA forensic analysis, which only became widely available in the late 1990s (National Institute of Justice, 2015; Ritter, 2016). If SAKs were tested at the time of collection, as compared to now, they would have had much less success at returning DNA hits because of technological advancements and because it has taken years for the federal DNA database to populate with profiles (Calandro, Reeder, & Cormier, 2005; Department of Justice, 2016; National Institute of Justice, 2015; Peterson, Johnson, Herz,

\* Corresponding author.

E-mail addresses: [Rachel.Lovell@case.edu](mailto:Rachel.Lovell@case.edu) (R. Lovell), [mxl569@case.edu](mailto:mxl569@case.edu) (M. Luminais), [djff6@case.edu](mailto:djff6@case.edu) (D.J. Flannery), [lto3@case.edu](mailto:lto3@case.edu) (L. Overman), [dxh398@case.edu](mailto:dxh398@case.edu) (D. Huang), [txw309@case.edu](mailto:txw309@case.edu) (T. Walker), [dclark39@windstream.net](mailto:dclark39@windstream.net) (D.R. Clark).

<sup>1</sup> Many prefer the term survivor when referring to a person who has been a victim of sexual violence. In this paper, we use the term victim as this is nomenclature used by the criminal justice system to refer to the complainant in the sexually-based offense.

Graziano, & Oehler, 2012; Ritter, 2016). Second, when DNA testing became available, it was so expensive (an estimated \$5000/kit) that many jurisdictions were not able to test all SAKs. When DNA testing was performed, a limited number of SAKs were prioritized for testing (Dickson, 2014; Luminais et al., 2017). Additional contributing factors to the backlog include: victim-blaming behaviors and beliefs; the lack of written policies and protocols for submitting SAKs for DNA testing; budget cuts that reduced the number of sexual assault investigators and crime lab personnel; inefficient DNA testing methods and/or equipment; high turnover in police leadership; strained relationships between police and prosecutors; SAKs being viewed as a prosecutorial rather than an investigative tool; delays in obtaining testing results; lack of community-based advocacy services; outdated record keeping; and no centralized storage location for SAKs (Bettinger-Lopez, 2016; Campbell et al., 2016; Human Rights Watch, 2013; Jan, 2004; Nelson, 2013; Peterson et al., 2012; Pratt, Gaffney, Lovrich, & Johnson, 2006; Ritter, 2016; Strom & Hickman, 2016).

### 1.1. Unsubmitted SAKs in Cuyahoga County (Cleveland, Ohio)

Starting in 2013, the Cuyahoga County SAK Task Force (Task Force) began following up (via investigation and prosecution) on the DNA testing of nearly 5000 previously unsubmitted SAKs from 1993 through 2009 using a “forklift” or “test-all” approach (where all untested SAKs were submitted). One main outcome of this testing (e.g., the probative value of the DNA testing) has been the identification of a large number of serial sex offenders—linked via DNA that was collected at the time the victim reported the crime and had a SAK collected. Since most of what we know about serial sex offenders is based on offenders who have admitted to and/or been caught and convicted of multiple offenses, our data provide a unique opportunity to explore serial sex offenders who are linked by more objective means and earlier in the process, when the SAK was collected.

## 2. Previous research on serial sex offenders

The literature on serial sex offenders has predominantly focused on the identification of serial sex offenders—either in comparison to nonserial sex offenders (single-victim offenders) or for the purposes of determining serial sex offender subtypes based on the characteristics of the offender and the nature of the offenses. Balteri and Andrade (2008) and Burgess, Hazelwood, Rokous, Hartman, and Burgess (1988) explored the links between prior sexual abuse and subsequent serial sex offending for prevention and early intervention purposes and found that serial sex offenders are more likely to have been sexually abused as children. Sea, Kim, and Youngs (2016) and Levenson and Socia (2016) identified distinct subgroups of serial sex offenders and found that they are not a homogenous class but rather display different offending patterns. Other studies have focused on serial sex offenders' criminal behaviors and patterns of offending. Some of this research could be categorized as criminal profiling research—for helping to identify serial sex offenders early in an investigation (Corovic, Christianson, & Bergman, 2012; Warren et al., 1999).

Research comparing serial to nonserial sex offenders has found some differences in crime scene behavior (such as kissing and pre-offense alcohol use) on the part of nonserial sex offenders and criminal sophistication on the part of serial sex offenders, but no significant difference in the level of violence or sexual behaviors (Corovic et al., 2012). Park, Schlesinger, Pinizzotto, and Davis (2008) found similar results regarding interpersonal involvement (such as kissing) and criminal sophistication but stand in contrast to Corovic et al. (2012), in finding more violence among nonserial sex offenders. In work on offenders in the United Kingdom (Slater, Woodhams, & Hamilton-Giachritsis, 2014), researchers found that while there are some statistically significant differences between nonserial and serial sex offenders (such as method of approach and the use of restraints), none of these

variables are consistent enough across crime scenes to allow an analyst to predict whether any particular crime is the work of a nonserial or a serial sex offender.

Many of these studies limit their analyses to subcategories of serial sex offenders—in particular serial sex offenders who assault strangers (usually defined as a person completely unknown to the victim or just met prior to the assault) (Corovic et al., 2012; LeBeau, 1987; Slater et al., 2014). One reason to focus on stranger sexual assaults is to control for covariates; another is that some prior research has indicated that most victims of serial sex offenders are likely to be unknown to the offender (Hazelwood & Warren, 1989; Park et al., 2008; Slater et al., 2014). Additionally, stranger serial sex offender cases present the biggest challenges for investigators because they are complex (Rossmo, 2000).

There are several key areas of inquiry in the serial sex offender literature, mainly offending patterns for known vs. unknown offenders, whether serials are linked to more than one sexual assault via official data or self-report, how serial offenders are defined, and the profiling of different types of serial sex offenders. With regard to the importance of examining sexual assault patterns for known offenders and unknown offenders, Campbell et al. (2016) used DNA evidence collected from untested SAKs in Wayne County, Michigan (Detroit) and showed that DNA collected from SAKs involving both stranger and known offenders were almost equally likely to return DNA hits in the federal DNA database. This suggests that the previous finding that serial sex offenders primarily target strangers may be an artifact of the data being derived from official records (Cann, Friendship, & Gozma, 2007). Official records typically include arrest records, police reports, and victim narratives and are disproportionately comprised of sexual assaults committed by strangers because sexual assaults by strangers are more likely to be reported than sexual assaults perpetrated by someone known to the victim (Felson, Messner, & Hoskin, 1999; Felson & Paré, 2005; Paul, Zinzow, McCauley, Kilpatrick, & Resnick, 2013). As de Heer (2016) points out, official records provide researchers with information about victim outcomes (including injuries and the severity of the attack) that are not available from self-reports by offenders. Official data also have significant limitations, namely that approximately 80% of rapes are unreported and of those that are reported, only 10% lead to a conviction (National Research Council, 2014). On the other hand, self-reporting offers a window into potential motivations that cannot be assessed from official documentation and can potentially include populations of undetected offenders (Beauregard, Rossmo, & Proulx, 2007; Lisak & Miller, 2002; Stevens, 1997, 1998). Additionally, identified offenders may self-disclose further crimes in a research setting (Heil, Ahlmeyer, & Simons, 2003). However, self-reported data are also limited in that offenders must be able to recall, admit, and self-define these offenses as nonconsensual (LeBeau, 1985).

This discussion is further complicated by the limited agreement on the definition of a serial sex offender, particularly when relying on official sources. Most research defines a “serial” as two or more sexual assaults in separate incidences; however, research greatly varies in how and when two or more sexual assaults are linked. de Heer (2016) uses a rubric of a perpetrator with two or more victims but does not state how that is measured. Slater et al. (2014) uses two or more convictions. LeBeau (1987) defines a serial sex offender as an individual who commits two or more crimes before being caught. Finally, Park et al. (2008) focuses on both two or more individuals in at least two separate incidents. At issue, as noted by Graney and Arrigo (2002), is that individuals identified as non-serial sex offenders have the potential to be serial sex offenders who have simply not been identified in other sexual crimes. Despite differences in operational definitions, the consensus in the literature is that a serial sex offender is a person who has perpetrated at least two separate sexual offenses.

The thrust of much literature is on the profiling of different types of serial sex offenders for its probative value—usually to associate multiple crimes to an individual through crime linkage or predicting the

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