Situational Factors in Rape

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Abstract

The purpose of this thesis was to investigate rape from the perspective of a situational model of crime. Rape has long been conceptualised almost exclusively from sociocultural and psychopathological perspectives. In the last few decades, situational models of crime have emphasised the role of non-dispositional factors in offending. These models have emphasised opportunity, the role of people’s routine activities in crime as well as conceptualising offenders as reasoning, that is, they will tend offend when expected gains outweigh perceived risks. Situational models of crime, notably situational crime prevention, have proven successful in reducing a wide range of non-sexual offences. Sexual offences have only been investigated from a situational perspective relatively recently and comparatively few studies on rape from this perspective have been published. If situational factors are important then a new armoury of sophisticated crime prevention interventions should be available for use.

Given that the prevalence of rape has generally proven insensitive to traditional interventions such as counselling (Rice & Harris, 2003), investigating new models and frameworks is timely. In the current research, three studies were used to ascertain the role of situational factors in rape. The first study consisted of a secondary data base analysis that compared rape offenders against property, violence and child sexual offenders using Queensland Department of Corrective Services’ prisoner induction information. The aim of this study was to investigate if rape offenders are different from other offenders across a broad range of criminological and sociodemographic variables, and to investigate the viability of applying a situational model in cases of rape. The rape offenders in this study emerged as generally being equally subject to situational factors as the other offender groups. The analysis provided support for a situational interpretation of rape.

The second study explored in more detail the circumstances of rape and its perpetrators by a file content analysis of Director of Public Prosecutions (DPP) documentation and examined differences between stranger and non-stranger rapes. Non-stranger rapes are committed by offenders known to the victim, such as boyfriends, dates or husbands, while stranger rapes are committed by unknown offenders. Utilising prosecution files allowed a close examination of the offence, and different types of offenders from the
perspectives of the criminal justice system. Situational factors were evident in the
defences but few differences emerged between stranger and non-stranger offenders.

The final study consisted of in-depth interviews with 20 convicted stranger and non-stranger rape offenders to investigate the offence from the perspective of the perpetrators. The results were generally similar to the DPP study with situational factors emerging as important elements of the offence but few differences between stranger and non-stranger offenders groups.

Taken together the studies support a situational model of crime interpretation. The offence can be fitted within these models and offender typologies provided by the approach. The rape offenders in these studies generally behaved in accordance with the way the models indicated. In particular, they proved criminally versatile, opportunistic in their choice of victims and frequently intoxicated while offending. While deep-seated motives for rape have their genesis in psychological or cultural factors, they are "reasoning offenders". These findings highlight the situational aspects involved in rape and as such provide a new perspective for conceptualising rape as well as providing a range of tried situational crime prevention initiatives that should be applicable to rape.
This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

John Michael MURRAY

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The purpose of the thesis is to explore the role of situational factors in rape. Situational factors and situational models of crime have received scant attention in the literature regarding their role in sexual offences (Wortley & Smallbone, 2006). Sociocultural/feminist and psychopathological frameworks dominate the rape literature and conceptualise both the offence and offenders through the lenses of their respective theoretical positions. These approaches have emphasised dispositional and structural aspects of the offence, almost to the exclusion of other frameworks. Consequentially, rape has gained a “special offence” status and an unstated implication that it is different from non-sexual offences in terms of its genesis, motivation and prevention. Until quite recently criminological researchers have generally conceded the study of rape to these two approaches, which has resulted in a dearth of criminologically focused studies. However, in the last two decades, a new criminological perspective, situational crime prevention, has underpinned reductions in a wide variety of crime by applying non-person-centred interventions and focusing on the crime itself rather than the criminal. This begs the question: can situational models of crime and crime prevention be applied to rape, or is it a “special” offence informed by deep-seated psychological forces that render it immune to situational interventions?

1.1 Rationale

The background to this thesis lies in the disputed ability of current theories and interventions to reduce the prevalence of rape or provide a theoretically coherent model of causality (Larragoite, 1994; Rice & Harris, 2003). Sexual offences and rape in particular, loom large in the public and political mind. This has articulated into legislative changes to courtroom procedures, victim processing, crisis centres and a significant expansion of sex offender treatment programs (see Russo, 2000 for a summary of main interventions). These approaches generally subscribe to dispositional or sociocultural views of causality (i.e., that combinations of social, cultural, biological, or psychological factors are the primary drivers of rape) (Jenkins, 1997; Marshall, 1999; Skinner & Berry, 1996). However, these approaches have recorded variable outcomes. For example, sex offender treatment programs produce variable results and their ability to rehabilitate sexual offenders remains are disputed (Rice & Harris, 2003). Without evidence of treatment effects or reductions in rape attributable to interventions such as educational courses, policy makers may conclude, nothing works (Martinson, 1974; see also Zgoba & Simon, 2005). Therefore, newer (and successful) frameworks for reducing rape are required. In this regard, situational models of crime potentially provide a stable, robust and proven platform for addressing rape.
Another reason for examining rape is its very prevalence. While there is still controversy about its prevalence (see Koss, 2000 for a discussion of the issue), it is widely accepted in the literature that a quarter of women will become victims of rape or attempted rape at some point in their lives (Bureau of Justice Statistics, 1994; Kilpatrick & Best, 1990; Martin, Rosen, Durand, Stretch & Knudson, 1998). Although the stereotypical stranger attack is commonly perceived as the most common type of rape, it is not; stranger rapes account for about 20% of these offences (Ricker, 1992; Salmelainen & Couarelos, 1993) but they are the most commonly reported rapes (Easteal, 1993). The majority of rapes are committed by men known to the victim; by dates, acquaintances, boyfriends, partners and relatives (Brickman & Briere, 1984; Koss, Gidycz & Wisniewski, 1987) and are less likely to be reported by the victim (Finkelson & Oswalt, 1995). New prevention techniques applicable to non-stranger rapes are required as well as more detailed information on the *modus operandi* of known and unknown offenders.

The failure to reduce the prevalence of rape may be partly attributable to the way in which rape is currently conceptualised. Two prevailing theories of rape are the psychopathological and sociocultural/feminist. Person-centred or gendered theories of causality tend to minimise the offences’ immediate and proximal causes. Crimes, including rape, are not necessarily the expression of deep-seated animosity, anger or cognitive distortions; they may be motivated by such banal underpinnings as opportunity, favourable cost-benefit analysis, or lack of guardianships. In addition, the current rape theories generally provide a one-dimensional view of rape offenders, as motivated men, who plan or rehearse their offences and will inevitably offend (Vogelman, 1990). This concept reflects the psychological origins of much of the rape research. In essence, rape offenders are perceived as purposeful and prevention is best achieved through addressing the deep-seated motives that support it or changes to power structures in a gendered society. Sexual offences, from sociocultural and psychopathological perspectives, are usually perceived as expressions of deviancy rather than criminality, and most likely immune to criminologically-focused prevention initiatives (Wortley & Smallbone, 2006). Nevertheless, behaviour does not occur in a vacuum and remains influenced by environmental and situational factors. Potentially, rape and sexual offences are capable of being influenced by non-person centred frameworks such as those provided by situational models of crime, especially situational crime prevention.

Situational crime prevention is a criminological theory that has proven successful in crime reduction in a range of offences (see Clarke, 1997) but until recently has not been applied to sexual offences (see Wortley & Smallbone, 2006 for examples). It raises the obvious question about its applicability to rape. As a framework it has been through a number of revisions and applications to a wide variety of crimes since its introduction two decades ago; it now potentially provides a robust and
sophisticated platform for examining rape from a non-traditional perspective. However, can it be applied to rape or does the offence have characteristics that render it resistant to situational explanations and interventions. Furthermore, are situational theories of crime applicable to different types of rapes, such as those committed by stranger or non-stranger offenders?

1.2 Research Questions

To investigate the issues raised in Section 1.1, particularly those relating to the theoretical conceptualisations of rape, its prevalence and the application of a criminological perspective an overarching research question was used to examine the role of situations in rape. Specifically:

- What is the role of situational factors in rape?

- The following subsidiary question was developed for the first research chapter to ascertain if rape offenders are different from other types of offenders. This question was designed to establish if rape is a special offence:
  - Do the situations surrounding child sex offences differ from adult rape offences?
  - Do the situations surrounding violent offences differ from rape offences?
  - Do the situations surrounding property offences differ from rape offences?
  - Are rape offenders a special case?

The second research chapter explored the following subsidiary research questions:

- Is there evidence of situational factors in rape offences convicted in the higher courts?
- Do the situational factors differ between stranger and non-stranger rapes convicted in the higher courts?

The research focus in the third research chapter was:

- Are situational factors in rape evident in the narratives of incarcerated offenders?

These research questions were investigated in three studies. The first study examined situational factors in rape through statistical analysis of information contained in the Queensland Department of Corrective Services’ (DCS) prisoner induction database. The dataset was analysed using logistic regression to estimate the significance of situational, criminological and sociodemographic relevant independent variables by comparing child sexual offenders, violent and property offenders with rape
offenders. The second study continued exploring the situational factors in rape through a file content analysis of prosecution files. These files are rich in data and detail the circumstances proximal to the offence occurring. In this study, attention could be focused on situational factors before, during and after the offence. In addition, sociodemographic and criminal information was collected and examined for its situational relevance. Limited victim information was also collected to secure greater insights into the offence. The third study delved deeper into the situational correlates of rape through interviewing incarcerated rape offenders. This approach has the advantage of allowing probing and detailed questioning and obtaining information on background and transitory factors unobtainable in the other studies. Together, the three studies provide different situational perspectives on rape and rape offenders, as well as performing a triangularisation function that confirms the internal consistency of the individual studies. The focus of the study was on adult male rape offenders with adult female victims. Child victim rape offenders were excluded from the study as they more likely are driven by motives different from adult victim offenders (see Mihailides, Devilly, et al., 2004; Ward & Keenan, 1999). In addition, situational crime prevention investigations usually focus on the narrow rather than the broad (i.e., residential burglary rather than all types of burglary). Different offences have different motives, modus operandi and types of perpetrators.

1.3 Plan of the Thesis

The purpose of the thesis is to examine rape from a situational perspective by examining data from prison induction files, prosecution documentation and interviews with convicted rape offenders. The research concentrates on rape offenders with adult female victims and on differences between stranger and non-stranger offenders. The thesis is divided into a further eight chapters. Chapter 2 examines the literature on rape, including its prevalence, the characteristics of perpetrators, victims as well as the offence itself. Also described in this chapter are the main theoretical explanations informing the rape literature. Chapter 3 describes a situational theory of rape, including routine activity theory, rational choice and situational typologies of offending. Chapter 4 describes the first of the thesis’ three research studies. The first study analyses data contained on a prison database and compares rape offenders with both sexual and non-sexual offenders across a range of situational and non-situational variables. Chapter 5 presents the second study in the thesis – a file content analysis of Director of Public Prosecutions (DPP) court documentation used for prosecuting adult rape offenders. The final research chapter, Chapter 6 describes the results of interviews with convicted rape offenders, with an emphasis on situational factors involved in their offending. Chapter 7 utilises the results from the three studies to assess the significance of situational factors in rape and the efficacy of applying situational models of crime to the offence. Also covered in the chapter are the limitations of the research and suggested avenues for further research.
Chapter 2: Understanding Rape

2.1 Introduction

This chapter examines the rape of adult females by both stranger and non-stranger offenders. Non-stranger rape is defined as offences where the perpetrator and victim are known to each other, usually through dating, an acquaintance, or marital relationships. Stranger rapes are those where the victim did not know the perpetrator for more than 24-hours, or is someone known only by hearsay (Australian Bureau of Statistics, 1996b; Johnson & Siegler 1970). The principal aim of this chapter is to provide an overview for understanding rape, its context, victims and perpetrators. In particular, the offence’s prevalence, offenders and victim characteristics, and offence circumstances are examined. Details of the main theoretical positions informing the rape literature, as well as their strengths and weaknesses are also discussed. The chapter concludes by examining the efficacy and utility of the sociocultural/feminist and psychopathological models in rape prevention and ascertaining if new approaches are needed to augment them.

In terms of theoretical conceptualisations, sociocultural/feminist and psychopathological models exercise a near monopoly over the rape literature, with little room left for alternative models. The psychopathological frameworks emphasise personality traits, biological pre-dispositions, cognitions, personality factors or learned characteristics as the primary causes of rape (Marshall & Barbaree, 1984; Reynolds, 1984). Feminist theories emphasise a sociocultural causality that defines gender inequality as its principal cause (Gottschall, 2004; Odem & Clay-Warner, 1997). Both theoretical perspectives imply that once the motives are internalised, rape is probable. Both give little weight to the role of situational, environmental or physical factors in the offence, although prominent psychopathological theories include non-person centred factors in their models (discussed in Section 2.7). In addition, both types of literature have generally been uninfluenced by criminological theories, but there have been some recent developments in this regard (discussed in Chapter 3). While the main rape literature describes crucial aspects of the offence underpinning treatment, situational-based frameworks provide new perspectives on the offence. New approaches have become necessary as the efficacy of interventions and prevention remains controversial. In addition, situational models of crime prevention bring an expanded armoury of intervention and prevention techniques, some of which are applicable at the community level.
2.2 Defining Rape

Rape (from the Latin *rapere*, to take by force or seize) is generally defined in common-law as a man having carnal knowledge of a woman, not his wife, through force and against her will, and requires at least slight penetration of the penis into the vagina (Criminal Justice Commission, 1999; Easteal, 1992; Tjaden & Thoennes, 2000). Most common-law jurisdictions have broadened this definition to make it gender neutral, and have expanded the nature of the acts involved to include penetration of the vagina, anus, or mouth by a penis, or the vagina by an object or body part (Tjaden & Thoennes, 1998; 2000). The marital status of the victim and his/her relationship to the perpetrator are usually irrelevant under modern rape legislation, which renders spouses or common law partners liable for sexual assault prosecution (Carter, 1988).

Rape, under Queensland legislation is legally defined under the Criminal Code Act of 1899 in the following terms:

*Any person who has carnal knowledge of another person without that person’s consent or with that person’s consent if it was obtained by force, or by means of threats or intimidation of any kind, or by exercise of authority, or by fear of bodily harm, or by means of false and fraudulent representations as to the nature of the act, or, in the case of a married female, by personating her husband, is guilty of a crime which is called “rape”* (Carter, 1988).

2.3 Prevalence of Rape

Research into the incidence and prevalence of rape is beset by methodological and definitional issues, which reduces statistical accuracy and produces variable and conflicting statistics that makes interpretations difficult. For example, most studies usually employ a single method for estimating the prevalence of rape and the different methods have individual strengths and weaknesses. Some methodologically strong studies (e.g., Australian Bureau of Statistics, 1996) subsume rape under a general category of “sexual offence” without any further delineation into sub-categories. Other studies use the generic term “rape” without a breakdown into the type of perpetrator, such as an acquaintance or stranger, or the age, gender and marital status of victims. Furthermore, the applicability of rape rates from other cultures/countries to Australia for estimation purposes is problematic because of different definitions of rape or age of victims. Another source of confusion in interpreting rape data relates to the use of “prevalence” and “incidence”. Prevalence refers to the number of women in a population who have experienced rape or attempted rape. Incidence refers to the number of episodes occurring in a specified population during a defined period (Neame, 2004). Three main methodological approaches can be identified in the literature for estimating the prevalence of rape: 1.) official criminal justice system statistics; 2.) victim surveys; 3.) estimates derived from
offenders’ self-reports during interviews. These three main data sources along with a brief review of each approach’s strengths and limitations will now be reviewed.

2.3.1 Official Statistics

Criminal justice system statistics, principally police and court records detailing complaints, arrests and convictions, provide a major information source on the prevalence of rape. Official statistics tend to be systematically and accurately collected by government agencies but only report information actually provided to the relevant agency. Police and government estimates of sexual violence are typically lower than those obtained from epidemiological research (Acierno, Resnick & Kilpatrick, 1997). Official statistics are likely to have significant error margins because most rapes, especially those involving known offenders, are unreported (Allison & Wrightsman, 1993; Australian Bureau of Statistics, 1996b; Brickman & Briere, 1984; Finkelson & Oswalt, 1995; Koss, Gidycz & Wisniewski, 1987). Consequently, many rapes never achieve official recognition and the majority of rape offenders never appear in criminal justice system statistics (Royal College of Psychiatrists, 2001; Russell, 1982). For example, only five percent of Finkelson and Oswalt’s (1995) study of 140 female undergraduates reported their rape to the authorities. Fourteen percent of rape victims in Koss et al’s, (1987) study of 6,159 subjects, and eight percent of Russell’s (1984) 930 interviewees reported the rape to the police. Lievore (2003), using Australian statistics, calculated that of the 14.9% of sexual assault offences reported to police, only 1.4% proceed to court.

Although official statistics most likely underestimate the real prevalence of rape, they have the advantage of a whole of population representativeness, which minimises sampling error. While the majority of rapes may not be reported, official statistics will nevertheless record the details of most individuals who are registered, and frequently provide valuable descriptive data, such as offenders’ previous criminal history, as well as the ages of the victim and perpetrator. Information on standard questions is usually collected over time, which allows for longitudinal analysis. The data are also usually recorded in a computerised form that aids statistical analysis.

A good local example of official statistics is provided by the Criminal Justice Commission (1999), which summarised sexual offences statistics in Queensland using official data from the Police Service, the Office of the Government Statistician, and the Office of the Director of Public Prosecutions. The recorded rate of sexual abuse in 1998 was 193.5 per 100,000 of the population. Sexual offences represented 1% of all charges in the magistrates’ courts, about 45% of rape charges in the higher courts, and 67% of appearances for other sexual offences, resulted in a conviction. The conviction rate for other types of offences heard in higher courts was about 75%. The document also indicated that from 1994 to 1998, 2,306 female and 135 male-victim rapes were reported. Of the 113 rape offenders arraigned during that period, 32 (28.3%) pleaded guilty. In the period 1994-1997, 192
rape offenders were found guilty and just under half of whom pleaded not guilty were found guilty (the discrepancy in the court statistics was not explained in the report). By way of comparison, in 1995/98 1,239 rape offences, including attempted rape, were recorded by Victorian Police, but in 1995 only 49 persons with principal proven rape charge (that is, proved to have committed the offence) were finalised in the higher court (Criminal Justice Statistics & Research Unit, 1997). Although the charges include both rape and attempted rape, according to these figures, most rape offenders will not be convicted. However, the guilty verdict did not include convictions for other offences. It is probable that many rape offences have been “plea-bargained” to less serious sexual offences such as aggravated assault or non-sexual offences like assault (Grossman, Martis & Fichtner, 1999).

Another local official data report was the Queensland Police study of rapes reported between 1 January 1991 and 30 June 1992 (Moran, 1992). Fifty-eight percent of the rapes reported resulted in an arrest, 18.4% were withdrawn and 15.1% had not been cleared by 30 June 1992 (n = 450). Eighty-three percent of victims were under 25 and 79% were single. Married women and women in *de facto* relationships accounted for nine percent and five percent respectively. The majority of rapes (91.3%) involved one offender, two offenders were involved in 5.8% of reported rapes, and three percent of rapes involved three or more offenders.

### 2.3.2 Victimisation Surveys

Victimisation surveys provide another source of information on the prevalence of rape in the general community. These surveys generally have strong sampling methodologies, which provide probability samples representative of national populations. The Women’s Safety Survey (Australian Bureau of Statistics, 1996b) provides a good example of a national probability sample investigating *inter alia* sexual assault, but not specifically rape, of Australian women. The survey was completed by approximately 6,300 women drawn from metropolitan and non-metropolitan areas in all states of Australia. It was the largest and most comprehensive undertaking of its kind in Australia and reported that 120 women experienced sexual violence during the 12 months prior to the survey. Over four percent of 18-24 year old respondents had experienced sexual violence in the 12 months before the study, compared to less than one percent of women aged over 45 years. The victimisations statistics are undoubtedly influenced by the low number of women who do not perceive sexual assault as an offence, especially those involving a known perpetrator (Koss, Leonard, Beezley & Oros, 1985). Related to this is Myhill and Allen’s (2002) report that only 60% of female rape victims in the UK crime survey were prepared to classify their experience as ‘rape’.
Another probability study in the USA by the National Institute of Justice and Center for Disease Control and Prevention (Tjaden & Thoennes, 1998), in a telephone survey of 8,000 women, found 14.8% (one in 6.8) had been raped at some time in their lives, compared to three percent of surveyed men. The survey also found that 0.3% of women surveyed had experienced a completed or attempted rape in the 12 months prior to the survey. More than half the surveyed women (54%) had been raped before they were 18 years old.

Other international victimisation studies from the USA and the UK also show high levels of rape victimisation. Utilising information from the British Crime Survey (Myhill & Allen, 2002) researchers reported that 0.4% of women aged 16 to 59 had been raped in the year before the study. One in 20 female respondents said they had been raped since the age of 16 and one in ten women had experienced some form of sexual victimisation, including rape. Only 60% of female rape victims were prepared to self-classify their experience as rape. The US Naval Recruit Health Study was a national sample of 3,776 male and female recruits who were surveyed during recruit training (Merrill et al., 1998). Thirty-six percent of the women reported being the victim of a completed rape before entering the Navy. A national telephone sample of 4,446 college women in 1996 found that 1.7% of the sample had experienced rape in the previous academic year (Fisher, Cullen & Turner, 2000).

However, there is some evidence that the prevalence of rape may be declining. The USA National Crime Victimization Survey (NCVS), which surveys a nationally representative sample of residents about any reported or unreported crimes they experienced, reported a drop in rape. According to NCVS statistics, the reported rape rate has decreased six-fold, from 2.5 per 1,000 head of population in 1973 to 0.4 in 2004 (Bureau of Justice Statistics, 2006). Robbery had decreased in the same period from 6.7 to 2.1, aggravated assault from 12.5 to 4.3 and simple assault from 25.9 to 14.2. However, some criminologists argue that rape still is an underreported crime and the drop in rape case incidence could be a statistical anomaly (Fahrenthold, 2006). Interestingly, few prevalence studies report decreases in the rape rate. Although it is an underreported crime, according to NCVS statistics, rape has declined in rough proportions to other crimes.

2.3.3 Perpetrators Surveys

Another method of collecting data on prevalence rates relies on interviews with convicted or unconvicted perpetrators. These studies often guarantee respondents confidentiality in an attempt to improve response truthfulness. Lisak and Miller (2002) used pooled data from 1,882 men who were assessed for acts of interpersonal violence. They found 120 (6.4%) of the men self-reported acts that met the legal definitions of rape or attempted rape, but who were never prosecuted. They also reported that serial rape offenders averaged 5.8 rapes each. These findings mirror the results of Abel,
Becker, Mittelman, Cunningham-Rathner, Roleau and Murphy’s (1987) study of 126 convicted rape offenders who admitted an average 7.2 undetected rapes. Burgess, Hazelwood, Rokous, Hartman and Burgess (1988) found a similar magnitude of undetected rapes. In their study, 41 serial rape offenders admitted to over 1,200 attempted and completed rapes, but were only convicted of 200 offences. Koss et al’s (1987) study of college males, 25% revealed some form of involvement in sexual aggression, while six percent of 300 male university subjects in Yegidis’s (1986) study admitted to forcing a date to engage in sex. Another non-forensic study, the US Naval Recruit Health Study of 3,776 male and female recruits conducted during basic training, reported that 11.3% of the males admitted to rape before entering the Navy (Merrill et al., 1998). Unreported rape offenders most likely remain unprosecuted as many women do not label their experiences as rape or are reluctant to prosecute, especially with a known perpetrator (Koss, 1985; Myhill & Allen, 2002). In summary, these studies generally, but not exclusively, use forensic populations consisting of young men, which reduce its generalisability to the community. However, they provide an estimation of rape proclivities in men and the extent of unreported sexual offences.

2.3.4 Prevalence by Type of Rape

The generic term “rape”, used in some studies without breakdown into offence sub-categories, can present a misleading picture of the offence. For example, most rapes are committed by persons known to the victim, but the common perception of “real rape” is that of an offence committed by a stranger (Allison & Wrightsman, 1993; Bachman-Prehn and Ward, 1990; Baker, 2003). North American data indicate that stranger rapes account for between 15% (Fischhoff, Furby & Morgan, 1987) to 20% (Greenfeld, 1997) of reported offences. Australian statistics indicate that 25% of rapes reported to the police are attacks by strangers (Easteal, 1993). Another Australian study by Salmelainen and Couarelos (1993) reported stranger-initiated offences account for 20% of rapes in New South Wales (NSW). According to the Women's Safety Survey (Australian Bureau of Statistics, 1996), which did not report specifically on rape, 11% of women who were sexually assaulted were attacked by a stranger. Stranger rapes are more likely to be reported to the police than other types of rapes, and are thus more likely to be over-estimated in official statistics such as criminal justice system records (Esteal, 1993).

As its name implies, date or acquaintance rape occurs between individuals known to each other through a romantic or friendship relationship. Acquaintance rape refers to those sexual assaults committed by someone known to the victim, frequently a date, teacher, employer, or family member (American College of Obstetricians and Gynaecologists, 1998), although the definition excludes incest offence. Date/acquaintance rape is the most common type of rape, with prevalence estimates ranging from 52% to 75% of all rapes (Anglin, Spears & Hutson, 1997; DiVasto et al, 1984;
Greenfeld, 1997). It is also the most under-reported of rapes. The Australian Women's Safety Survey (Australian Bureau of Statistics, 1996) reported that 5.8% of women over the age of 15 had experienced sexual assault by a boyfriend/male date at some time in their lives. Although the estimates of date and acquaintance rape vary, the literature generally agrees that it represents a significant social and criminal problem for society and shows no indication of reducing (Koss, 2000).

The prevalence of marital rape is also difficult to estimate as women in relationships tend to be reluctant to report it to the relevant authorities or it is not deemed an offence (Russell, 1990; Russo, 2000). Allison and Wrightsman (1993) and Howard, Riger, Campbell, and Wasco (2003) estimate 10-14% of wives are raped by their husbands. Russell (1984), in her seminal work on the prevalence of sexual assault in America, reported that one in seven women was raped by husbands or ex-husbands. Australian statistics are of a similar magnitude, with husbands and estranged partners responsible for 13% of sexual assaults (Easteal, 1992). Queensland Police statistics indicate that married women account for nine percent of rape complaints compared to 79% by single women (Moran, 1992).

There is a dearth of information on differences and similarities between stranger and non-stranger offenders. Again, the literature has often grouped offenders under the generic “rapist” without further breakdown into types of offenders, characteristics or modus operandi. Date and serial rapes are likely to differ in the circumstances leading to the offence, in how victim access is undertaken, planning and perhaps in the criminal justice involvement of the two different perpetrators. There is also a dearth of criminologically focused comparative studies into differences between stranger and non-stranger rape offenders. Date rapes are more likely to occur at isolated locations, in a car or at the home of the assailant, (Harney & Muehlenhard 1991) and they may last longer, up to four hours (Seligmann & Miller 1984). Traditional dating rituals also give men greater power to select activities or isolated locations that are conducive to rape such as “parking” or “making out” in a car (Muehlenhard & Linton, 1987). Almost 85% of marital assaults occur in or near the victim or friends’ home (Rennison & Welchans 2000). Stranger rapes on the other hand may occur outdoors. Ruparel (2004) in a police survey in London reported that 53% of stranger rapes took place outside. The writer cautioned that as most rapes are unreported the reliability of the statistics is open to question.

Beauregard et al., (2007) is one of the few recent studies that included a situational framework in the study of rape and other types of sexual offences that involved known and stranger offenders. They noted that existing sexual offender typologies assumed the perpetrator’s offending process is stable but this disregards the role of situational factors in the offence. Their study analysed the hunting process and scripts of serial sex offenders. They identified three hunting process scripts and two of the scripts had more than one track. Drawing on work by Cornish (1994) and Cornish and Clarke
crime scripts were operationally defined as the complete sequence of instrumental decision and actions prior to, during and following the criminal act. Scripts also usually comprise related tracks which are variants of a more generic script that allow the offender to deal with differences in procedures in specific circumstances. Beauregard et al. (2007) analysis differentiated between sexual predators who commit their offences indoor or outdoors. The former encounter and sexually assault victims indoors. These victims are not usually abducted. The latter type offenders usually encounter,-abduct and sexually assault victims outdoors. They further subdivided the type of attacks into tracks which are related to the scripts. One type of outdoor rape track (A) accounted for 22.2% of serial crimes. This type of offender hunts for solitary victims and relies on ambush or direct attack. While the type B outdoor rape track (3.6%) encounter victims in indoor public places and use physical force to approach and bring the victim to the crime site. The third track identified was the home intrusion rape (11.9%). These offenders hunt for victims but do not abduct the victim. Physical violence is used during the approach and commission of the offence but threats may be used to move the victim to the crime site. With the fourth cluster, direct action rape track (11.9%) encounter, attack, offend and victim release all occur in the same location. The fifth cluster was identified as the sophistication rape track (26.8%). These offenders hunt for victims using occupational access or in red light districts. They troll for victims and ambush them when located. Seduction, tricks or games are used to bring victims to the offence site. The final cluster identified was the family-infiltrator rape track (16.3%) – these offenders gain victims via occupational access or infiltrating families. Victims are not usually alone and are encountered accessed, victimized and released in the same indoor private location familiar only to the offenders. These scripts were grouped into coercive scripts (home-intrusion, and outdoor tracks A and B), manipulative scripts (sophisticated and family-infiltrator tracks) and non-persuasive script which comprised the direct action rape track.

The home-intrusion rape track involves risk to the offender such as alerting the victim while breaking in, offending in an unfamiliar location and leaving fingerprints. It has the advantage of privacy for the offender, allows more time and has lower apprehension probability because of no witnesses and no requirement to move the victim to an offence site. Offenders using manipulative scripts invest large amounts of time preparing for their crime and victim selection. Because of their status and positions, they may appear as non-threatening to victims and can create situations to be in the presence of potential victims. The non-persuasive script acts directly on the victim with little or no investment in the hunting process, no sophistication and low risk because of the indoor public location. It is a “hit-and-run” type offence.

Beauregard et al., (2007) concluded with situational crime prevention techniques capable of reducing rape:
“Sexual assault investigators should inform women that some sex offenders are “environmentally aware” and will be attracted by any cues on the outside of a building that give away the identity of its occupants (e.g., name plates that give away the sex of an occupant). Therefore, women should be educated on how to secure their windows, on the potential dangers of leaving only the screen door closed during hot summer nights, and on the type of environmental cues attractive for offenders, such as any evidence that a woman is living alone.”

2.3.5 Summary of the Prevalence of Rape

Prevalence data on rape provide varied estimates that hamper attempts at drawing definitive conclusions. Nevertheless, Koss (2000) suggests a convergence of data that indicate the prevalence of rape remains a serious social and criminal problem that affects the lives of many women, either through direct victimisation or indirectly though fear. Even though the data sources examined provide widely varying estimates, it is possible to draw a number of cautious conclusions regarding the prevalence of rape.

Official sourced data from the USA indicate that almost 15% of women (or one in 6.8) will be raped at some point in their lives. Australian victim surveys also indicate that sexual assault is a major problem with almost 2% of women experiencing sexual violence each year. Over four percent of Australian women aged 18-24 had experienced sexual violence in 1995, compared to less than one percent of women aged over 45 years (Australian Bureau of Statistics, 1996). The prevalence data also indicate that most rape offences are not reported to the police, and that stranger rapes have the highest reporting levels while offences perpetrated by a known offender have the lowest reporting rates. Overseas research suggests that only about one percent of rape offenders are jailed (Grossman, Martis & Fichtner, 1999). It is estimated that between five to 15% of men have admitted rape in surveys where the behaviour was not labelled as such (Lisak & Miller, 2002).

2.4 Characteristics of Perpetrators

2.4.1 Perpetrator Gender

Between 97 and 99% of alleged sexual offenders are male (Avakame, 1999; Lievore, 2003). While legally and physiologically females are capable of rape, for example, by orally or digitally penetrating male or female victims, such cases rarely reach the criminal justice system (Matthews, Matthews, & Speltz; 1991).
2.4.2 Perpetrator Age

Rape offenders tend to be young men under the age of 30 at the time of the offence (Holmes, 1991). The average age of rape offenders in Quinsey and Upfold’s (1985) study of 72 rape offenders was 24 years. The association between age and offence is rarely considered in the rape literature beyond its descriptive characteristics in the methodology. Marshall and Barabee (1984) intimated that hormonal factors present in young males were associated with sexual offending. The activities that render young men at risk are rarely considered.

2.4.3 Perpetrator Class

Rape offenders, or more correctly convicted rape offenders, are overwhelmingly from lower socio-economic backgrounds (SES) (Holmes, 1991). Convicted sex offenders generally come from unstable backgrounds; have high rates of school failure, and erratic employment history in unskilled jobs (Bard, Carter, Cerce, Knight et al, 1987; Knight, and Al, 1987). The under-representation of men from middle and upper class backgrounds may reflect a greater involvement in date and marital rapes, which have lower reporting and conviction rates (Vogelman, 1990). It is noteworthy that in laboratory studies on apportioning blame in rape cases, less responsibility was attributed to higher-class assailants than lower-class assailants (Krahe, 1985).

2.4.4 Perpetrator Ethnicity

Indigenous offenders (Aboriginal and Torres Strait Islander) sex offenders are disproportionately overrepresented among prisoners in general, and rape offenders in Australia. Indigenous people represent 2% of the Australian population and 2.9% of the Queensland population (Australian Bureau of Statistics, 1996a) and a quarter of the Queensland prison population and 25.4% of sexual assault offenders (Queensland Corrective Services Commission, 2005). The disproportionate over-representation of Indigenous offenders and sex offenders in the criminal justice system is likely a function of poverty, unemployment, cultural anomie, lifestyle factors and serious substance abuse problems. Blagg (2000) reports that Indigenous women are particularly at risk of violence, being 12 times more likely to be the victims of assault than non-Indigenous women are and the violence is often perpetrated by their partners. The Robertson Report (2000) estimated that 88 per cent of all rapes in Indigenous communities go unreported and rapes have reached epidemic proportions. On remote Indigenous communities, sexual offences frequently occurred in the context of “benders” where both perpetrator and victim are heavily intoxicated (Lloyd & Rogers, 1993).

There is little information on the types of rapes that indigenous offenders are most likely to be involved in. Lloyd and Rogers’ (1993) study would suggest that most indigenous rapes, at least those
occurring in remote indigenous communities, involve victims and perpetrators known to each other. However, the extent of stranger and non-stranger among urban dwelling indigenous offenders is unknown.

(The term Ethnicity is used throughout the thesis. Although “Indigenous Status” may be a more correct description, most of the official documentation referred to in compiling the data use “Ethnicity”. This convention has been followed.)

2.4.5 Criminal Versatility

Rape offenders tend to be criminally-recidivist offenders (Simon, 1997; 2000). A large majority (85%) of stranger rape offenders have criminal records, which usually contain a mixture of crime types (Davies, Wittebrood, & Jackson, 1997). Sex offenders in general have a record of mixed criminality, in which crimes of profit and violence dominate (Grunfeld & Noreik, 1986). While having well-established criminal tendencies, convicted and released rape offenders are more likely to commit a non-sexual offence than a sexual offence. Over a three-year period following prison release, 52% of discharged rape offenders were re-arrested for a new crime and 8% were arrested for another rape (Greenfeld, 1997). A Norwegian study of sexual offender recidivism, involving 541 men convicted between 1970 and 1974 (followed until 1983) found a 12.8% sexual offence recidivism rate among rape offenders. In a meta-analysis study, Hanson and Bussiere (1998) estimated rape offenders had a 19% reconviction rate for sexual offences and a 46% reconviction rate for new, non-sexual offences over a five-year period. Another recidivism study by Rice, Harris and Quinsey (1990) over an average 46-month follow-up period of 54 rape offenders released from a maximum-security psychiatric hospital, reported a subsequent 28% conviction rate for a sexual offence, a reconviction rate for a violence offence of 43%, and reconviction for any offence of 59%. Simon (2000) neatly summarises the situation: “Among researchers who measure versatility of offending, there is a consensus that pure sex offenders is a rarity; instead sex offences are single or infrequent and often are embedded in an extensive criminal history of property and violent crimes”. Although the majority of rape offenders, perhaps 85% (Grubin & Gunn, 1990; Seully, 1990; Wolfe & Baker, 1980) have previous criminal records, it must be remembered that the majority of criminal offenders will not be convicted of, or commit a sexual offence. Even though most convicted sexual offenders will not be reconvicted, a significant minority do reoffend sexually at high levels. Davies et al (1997), in a study of 210 men arrested for a serious sexual offence, revealed that 32% had a history of a prior sexual offence. In another study on sexual offender treatment program efficacy in California, 14% of the 80 untreated rapists followed for an average of four years had been rearrested for a new sex offence (Marques et al, 1994). Prentky et al (1997) followed convicted rape offenders over a period of 25
years (after release) and reported that 39% of the 136 rapists studied were charged with, or convicted of, a sexual offence over the follow-up period.

However, the majority of men who commit rape never come to the attention of the criminal justice system (discussed in Section 2.3) nor are the offences reported by their victims (see Section 2.3.1). Beginning in the early 1980’s, attempts to estimate the extent of rape proclivities in the non-forensic population have been made (Boeringer, 1994; Chiroro et al., 2004). These studies typically employ anonymous questionnaires with a five-point scale (ranging from “very likely” to “not at all likely”) to estimate the likelihood of a man committing rape by asking subjects questions such as “if you could get away with it, how likely are you to commit rape” (Malamuth, 1981). Malamuth (1981), in summarizing different studies involving proclivity of men to rape, reported an average of about 35% of males indicated some likelihood of raping. An average of about 20% indicated a higher likelihood to rape if they would not be apprehended or punished. Other studies have replicated these findings (e.g., Donnerstein, 1984; Stille 1984). In another large survey of college-aged men, Malamuth, Haber, and Fishback (1980) reported that 51% of respondents agreed they may commit rape if assured there would be no punishment. Self-reports of rape proclivities may also underestimate its extent. For example, Koss and her colleagues (1987) reported that most of the 12% of the men in her study whose actions met the legal definition of rape did not consider it rape.

Other studies have used physiological measures such as erectile responses to estimate likelihood of rape in both rapist and non-rapist subjects. Baxter, Barabae and Marshall (1986), in their study using penile plethysmography on consensual and non-consensual sex depictions, reported that 30% of rapists and 17% of non-rapist subjects were rated as having pronounced sexual callousness based on their erectile responses. Forced intercourse was considered acceptable by a significant number of adolescent males in certain situations. Goodchilds and Zellman (1984) in a study of high school male students reported 50% believed forced intercourse was acceptable in some cases. Maxwell and Check’s (1992) (cited in Russell, 1998, p. 135) study of 247 high school students reported that 57% of the males (and a quarter of the girls) thought it was acceptable to force a partner to have sex under some circumstances.

Another way of gauging attitudes to rape in the non-forensic population is via the acceptance of rape myths. Rape myths are false beliefs that serve to deny and justify men’s sexual aggression against women (Longsway & Fitzgerald, 1994). Typically, these studies use the Rape Myth Acceptance Scale developed by Burt (1980), which includes questions like, “Women falsely report rape to get attention”; “All women have a secret desire to be raped”; “Men can't always control their sexual urges”; and “Only bad girls get raped”. Rape myths are widespread in the community (Brownmiller, 1975; Pollard, 1992). For example, Easteal (1992, p. 33) reported that almost one-third of respondents in an Australian newspaper poll, were undecided or agreed that women who hitchhike have only
themselves to blame if raped. Researchers have also found myth acceptance at similar levels among USA college students, with between 25% and 35% of college males accepting some type of rape myth (Giacopassi & Dull, 1986; Gilmartin-Zena, 1987). Rape myths also seem to impact on jury verdicts. Warshaw (1988) argued juries will rarely convict a defendant in a rape trial if there is any hint of victim misconduct such as drug usage. Similarly, Lafree et al., (1985) reported that any evidence of victims' drinking, drug use, or sexual activity outside of marriage led jurors to doubt the defendant's guilt.

Gavey (2005) makes the point that rape proclivities may not articulate into an actual offence, but the fact that so many men can imagine themselves involved in rape adds support to the feminist contention that the building blocks of rape exist alongside normal male heterosexuality. It provides support for the feminist scholars’ claim that rape is not the act of a few deranged men (Hudson & Ward, 1997). It also supports the control theory idea that the desire to rape is natural; it is controlling the desire to rape that is learnt. The statistics on rape proclivity and rape myth acceptance indicate that there is a large pool of potential rape offenders in the community. It is these men, men who never come to the attention of the criminal justice system, who commit the majority of rapes, especially date, marital and acquaintance rape, all of which have low reporting rates (see Section 2.3.4).

Overall, these findings on the extent of rape proclivities, rape myth acceptance and its prevalence (discussed in Section 2.3) suggest that a focus on convicted and incarcerated rapists, rather than on members of the general population, may provide a somewhat distorted and inaccurate picture of the motivations underlying sexual assault (Masser et al., 2006). On the basis of the above studies it could be estimated that about one-third to one-half of the non-forensic population harbour rape supportive attitudes which may be “operationalised” under favourable conditions. These attitudes underpin rape (Hagedorn, 1999).

The work of Gottfredson and Hirschi (1990) on control theory is also germane to sexual aggression. Much of rape and criminology’s focus has been on the rape offenders particularly concentrating on their social and cultural background, peer and family influences, criminal careers and psychological functioning. This focus has characterised the rape treatment literature (Epps, 1991; Marx, Miranda & Meyerson, 1999; McGregor & Howell, 1997) but this focus has generally been at the expense of the crime itself. Control theorists take crime for granted, that is, the propensity for criminal behaviour is part of our humanity and exists almost as a community universality – a concept broadly analogous with St Paul’s (e.g., Galatians 5:16) understanding of the sinful tendencies of human nature. Crime is similar to other types of irresponsible, but not necessarily illegal behaviours, such reckless driving, alcohol or cigarette abuse, in that the goal of instant gratification is achieved and crime can be a form of instant gratification. In essence, human needs are more easily satisfied illegally than legally; it is
easier to steal a car than to pay it off on hire purchase. An advantage of crime is that it generally does not require planning or specialised knowledge. For individuals with low self-control, sufficient criminal motivations and crime opportunities abounding, the decision to offend may be simply a function of opportunity. This begs the question that if crime could almost be defined as a universal constant, then why do people refrain from criminality? The theory proposes three main reasons for control: 1.) direct control; 2.) stake in conformity; and 3.) internal control. Briefly, direct control can be compared to surveillance type monitoring typically exercised by authority type figures such as parents, schoolteachers, police or colleagues. Stake in conformity is akin to a social cost benefit analysis. The person has more to lose by transgressions than conforming to the dictates of society. People can also spend a large amount of time and effort in education, employment and building a favourable reputation which they do not want to jeopardise. From a cost benefit analysis perspective, engaging in deviant behaviour, such as a politician consorting with prostitutes, can outweigh any benefits. Internal control essentially refers to the psychological, ethical, moral or spiritual restraints preventing the commissioning of offending behaviour. This is illustrated when individuals may find themselves in situations where they could commit an undetectable offence, but choose not to. Their beliefs inform their attitude to crime and the level of self-control they can exercise. Gottfredson and Hirschi (1990) claim that low self-control is generally internalized by the age of seven or eight and the family is the primary source of its instillation and internalization. They also claim that once internalized low self-control remains a stable personality construct over the life span. Low self-control predicts juvenile delinquency and adult crime, as well as analogous reckless and imprudent behaviours such as speeding, excessive alcohol consumption or smoking. In their view, low self-control is the primary individual cause of crime and other types of dysfunctional behaviours. Evidence for the efficacy of Gottfredson and Hirschi’s (1990) theory is found in a meta-analysis study by Pratt and Cullen (2000). They reviewed 21 studies, consisting of about 50,000 subjects, which examined theories of crime. They concluded that their meta-analysis, and the subsidiary studies on which it drew, provided “fairly impressive support for Gottfredson and Hirschi’s theory”, and that “regardless of the analysis undertaken, self-control was related to crime among men, in younger samples, and in offender samples” (p. XX). Low self-control had an effect size exceeding .20 and would rank it as one of the strongest known correlates of crime.

But what about age related crime desistance? It is a well established finding that crime decreases with age. It peaks in adolescence and then goes into a precipitous decline (Sorensen, 2000). For example, Kasetenbaum (1993, p. 99), in summarizing the age/crime rate decline, reported that 75% of all burglaries in 1980 occurred among people under 25 and the corresponding ages for auto theft, larceny and robbery were 26, 32 and 28 respectively. Laub and Sampson (2003), in their reanalysis of Sheldon and Elanor Glueck’s (1950; 1968) studies of delinquents at ages 25 and 32, came to similar conclusions. Laub and Sampson tracked down and interviewed the participants in Glueck’s sample,
who were then aged in their 60’s and 70’s. Of the men who survived to 50, 24% had no arrests for crimes of violence and property crimes after age 17, and 79% had no arrests for predatory crimes after age 40. Interestingly, violent and property offenders demonstrated the same ability to change. Declines in crime with advancing age of a similar magnitude were also found by Karsted and Bussman, (2000). The most common criminal career is to commit a property crime in one’s youth and never come to the attention of the criminal justice system again (Kastenbaum, 1993). In addition, it is not only crime that declines with age, but other types of dysfunctional analogous behaviours also decrease. Robins (1980, cited in Kastenbaum, 1993, p. 100) noted that all forms of common deviancy such as drug use, theft, drinking, sexual promiscuity, fighting decrease with age.

Although Gottfredson and Hirschi (1983) propose an invariance in the age-crime relationship across offences and time periods, empirical research and official statistics do not support this notion. However, they do not reject the concept of a general change during the life course. In an attempt to address these discrepancies, Gottfredson and Hirschi differentiate between crime and criminality. In essence, they argue that crime is dependent on factors such as opportunity, but criminality, with its genesis in low self-control, is less dependent on factors such as opportunity. Low self-control is a necessary but not sufficient condition for criminal behaviour (Karsted and Bussman, 2000). By way of example, Laub and Sampson (2003) have written that most anti-social children do not remain antisocial as adults. Interestingly, Gottfredson and Hirschi’s (1990) notion about analogous behaviour stability is partially demonstrated by the 13% death rate by unnatural causes in the juvenile delinquents compared to six percent of the non-delinquents in Laub and Vaillant (2000) reanalysis of the Glucks’ data. While it is likely that the self-control quotient remains constant across the individual’s lifespan when compared to their age peers, its manifestation may decline in absolute terms – as everyone gets older they commit less crime.

While low self-control holds up as an explanation of crime it is not the sole cause of criminal behaviour. Low self-control provides the motivated offender, but likely targets and lack of guardianship are generally required if the crime is to occur. Regardless of the self-control quotient, delinquent peers, anti-social attitudes and neighbourhood problems continue to matter (Vito, Maahs, Holmes, 2006). Laub and Sampson (2003) provide a better explanation for its desistance. They argue that desistance is the norm in criminal careers (see also Karstedt and Bussman, 2000). As most juvenile delinquents and adult criminals age they will accumulate social capital, such as jobs and relationships, and secure a greater stake in conformity. While gainfully employed they usually do not have the time, motivation or energy to engage in anti-social activities. Family responsibilities also reduce the amount of time individuals have to spend with dissocial peer groups. In summary, despite some shortcomings in the theory, low self-control is an important factor in offending. However, the concept of its invariance over time is contrary to desistance from crime research and official statistics.
To some degree, Gottfredson and Hirschi address these issues in differentiating between crime and criminality but Laub and Sampson (2003) concept of life changes and critical events such as marriage or employment perhaps offers a fuller explanation.

With regard child sexual offending, Wortley and Smallbone (2006) argued that control theory is a relevant perspective to take into account. An offender who is indiscriminate in his offending (i.e., has low self-control) may include child sexual assault in his offending repertoire if circumstances present. It is likely that rape offenders will exhibit the same tendencies. Most human beings already possess the motivations to have sex with other human beings – the acquisition of these motivations does not have to be learned. Rape offenders differ from non-rapists, not so much in their desire to have sex, but in their failure to control the inappropriate expression of their sexual urges. In other words, for some rape offenders, low self-control allows them to engage in a variety of offending behaviour, including rape, if circumstances are propitious or opportunity presents.

2.4.6 Perpetrator Alcohol Issues

Numerous articles attest to a complex but interactive relationship between alcohol and rape (Groth, 1979; Miller & Marshall, 1987; Ricker, 1992). Both rape offenders and victims often use alcohol before the offence. Johnson, Gibson and Linden (1978) found that alcohol was used in 72% of all rapes — in 38% of cases both parties were drinking, in 24% only the rape offender and in 9% of cases, only the victim was drinking. Similarly, Warshaw (1988) reported that 75% of men and 50% of women involved in date rapes had been drinking at the time of the offence. Alcohol was also involved in 55% of planned and 83% of spontaneous rapes (Johnson et al., 1978). Another aspect of intoxication is that it increases men’s ability to misinterpret women’s sexual intent (Berkowitz, 1992). Finney (2004), in summarising the role of alcohol and sexual assaults, concluded, that alcohol is best seen as contributing to violent behaviour rather than causing it. While alcohol can be understood as facilitating rapes through the agencies of disinhibition and pharmacological factors, its control should significantly reduce the prevalence of sexual assaults.

2.4.7 Perpetrator Mental Health Issues

While likely that most rape offenders are not labouring with mental illness to the degree they do not know right from wrong, many have personality disorders. More than a quarter (29%) of all men charged with rape had an antisocial personality disorder, compared to three percent of males in community samples (Flora, 2001). Similarly, in a study of sex offenders referred from community or custodial environments for assessment, Dunsheat, Nelson, Brusman-Lovins, Holcomb, Beckman, Welge et al., (2004) reported 85% had a substance use disorder; 74% a paraphilia; 58% a mood
disorder; 35% a bipolar disorder; 24% a depressive disorder; 38% an impulse control disorder; 23% an anxiety disorder; 9% an eating disorder; and 56% antisocial personality disorder. In a study of 1,215 sex offenders released from Swedish prisons between 1993/97, Langstrom, Sjostedt and Grann (2004) found that alcohol-use disorder was the most frequent diagnosis, followed by drug-use disorder, personality disorder, and psychosis. However, some researchers argue there is no evidence that sex offenders are any more mentally disordered than general criminal offenders are (Simon, 2000). Marshall and Barabee (1989) also assert that most sex offenders are not mentally ill; a conclusion the Royal College of Psychiatrists (2001) concurs with. The College reports that few rape offenders are mentally ill, or have clearly defined biological or endocrine abnormalities that would lead to an excessive libido, although personality disorders are common.

Feminist researches have been critical of attempts to “pathologise” rape by shifting blame to a few psychiatrically disturbed men (Chiroro, Bohn, Viki & Jarvis, 2004; Odem & Clay-Warner, 1997; Taylor, 1993). Johnson (1980), for example, observes it is difficult to believe that the widespread prevalence of sexual violence is “the responsibility of a small lunatic fringe of psychopathic men”. Rape in the feminist literature is frequently perceived as a sexual expression of the rape offender's power and anger, not psychopathology (Koss, 2000; Odem & Clay-Warner, 1998; Reynolds, 1984).

2.4.8 Summary of Characteristics of Perpetrators

The prevalence of psychopathological focused studies has devoted considerable research effort towards identifying defining characteristics of men who rape. Drawing conclusions about rape offenders is fraught with methodological problems. Chief among these problems is that the overwhelming majority of rape offenders do not appear in the criminal justice system and that most research is concentrated on forensic populations. Forensic populations in all likelihood only account for about one percent of rape offenders (Grossman, Martis & Fichtner, 1999; Lievore, 2003). Hence, the defining characteristics of rape offenders that emerge from the literature must describe an unrepresentative sample. Given this situation, some researchers and most feminist scholars conclude that men who rape are little different from men in the general community (Brownmiller, 1975; Ward, Hudson & Marshall, 1996). Nevertheless, despite these significant methodological problems some tentative conclusions about rape offenders can be reached. Overwhelmingly, rape offenders are male; they are also young males, with most under the age of 30. Possibly reflecting the forensic subject populations of many studies, most perpetrators are from low SES backgrounds and are generally similar to other non-sexual offenders in their economic backgrounds. Aboriginal males represent 13% of Western Australian sexual offenders in custody (Broadhurst & Loh, 1997) and 24% of the total prisoner population in that state (ABS 2006). By way of contrast, indigenous persons comprise two percent of the Australian population (Australian Bureau of Statistics, 1996a). Rape offenders are
criminally versatile, and are more likely to recidivate with a non-sexual crime than a sexual one. One study found that rape offenders were more than twice as likely to commit a non-sexual crime as a sexual one (Hanson & Bussiere, 1998). Rape offenders’ criminal versatility is also evident in the range of sexual and non-sexual offences committed before and after their rape offence (Simon, 2000; Smallbone, Davina & Wortley, 2002). Most are not mentally ill, although sizable proportions were diagnosed with personality disorders like antisocial or borderline conditions. Where a mental illness has been diagnosed in a rape perpetrator, the condition was not assessed as a significant immediate cause. Alcoholism or alcohol abuse is a frequent diagnosis applied to rape offenders.

2.5 Characteristics of Victims

Rape victim typologies have proven controversial in the literature but there seems an emerging consensus that victim characteristics can be a factor in the rape offender’s selection process (Stevens, 1994). Moolman (1989) argues that rape offenders are on alert for women vulnerable to attack and the perception of vulnerability differs from one rape offender to another. The next section provides a brief summary of victim characteristics, especially those that leave them at higher risk of victimisation.

2.5.1 Victim Gender

The vast majority of rape victims (91%) are female (Avakame, 1999; Greenfeld, 1997). However, male rape is likely to be more underreported than female rape (Mezey & King, 2000). The Bureau of Justice Statistics (US Department of Justice, 1988) estimates that one per 1,000 men in the USA are victims of rape or attempted rape each year. While the male rape rate is underreported, the overwhelming majority of victims are female.

2.5.2 Victim Age

Research has clearly demonstrated a close link between age and rape with young women at higher risk than other age groupings (Myhill & Allen, 2002). Numerous articles report women under 30 are the main targets of rape victimisation, accounting from between 30 to 60% of all cases whether measured by police reports or victim surveys (Koss et al, 1986; Salter, 1992; Weekley, 1986). The literature is in general agreement that women aged 16 to 19 are the most victimized followed by those aged 20 to 24 (Koss et al, 1987; Salmelaine & Coumelaros, 1993; Walmsley & White, 1988). Thereafter the rape prevalence rate declines (Gebhard et al, 1965; Warshaw, 1988). Adolescent women are probably at greater risk than other age groups partly because of dating activities. For example, Harney and Muehlenhard (1991) reported the increased vulnerability of the younger women
might be a result of their greater exposure (through dating and socialisation) to larger numbers of possible perpetrators than at other times in their lives. Younger women may also be inexperienced and possibly naïve about the risk of sexual assault and that dating activities involving alcohol increased the risk of assault (Mazelan, 1980; Neal & Mangis, 1995).

2.5.3 Victim Ethnicity

Although cross-cultural comparisons must be interpreted with caution, there are some indications that rape offenders and victims from some minority groups are statistically over-represented. For example, in a five-year study of medical findings in Auckland, New Zealand, Maori girls and young women were found to account for a quarter of the sexual assault cases reported, although they represent only 8.7% of the Auckland city population (Goodyear-Smith, 1989). International crime statistics also provide telling figures. In Rushton’s (1995) analysis of international crime statistics from 76 countries, crime rates were “highest for countries with predominantly African populations, lowest for those with predominantly Asian populations, and in-between for those with predominantly Caucasian populations”. Tjaden and Thoennes (1998), using data from the National Violence Against Women survey (November 1995 to May 1996) which randomly surveyed more than 8,000 women, reported that American Indian and Alaska Native women were more likely to report rape, while Asian/Pacific were least likely. It could be hypothesised that social marginalisation and poverty places women from some ethnic minorities in high-risk situations, such as crime-prone neighbourhoods.

2.5.4 Victims Marital Status

Single women are at the greatest risk of rape (Chapko, Somse, Kimball, Hawkins & Massanga, 1999; Newton Taylor, DeWit & Gliksman, 1998). The British Crime Survey reported that women who were in a relationship, that is, married or cohabitating, were the least likely to report being sexually victimised in the year before the survey (Myhill & Allen, 2002). However, women in an existing relationship are obviously at greater risk of marital rape. In Section 2.3, it was estimated that about 14% of married women were victims of marital rape. Divorced and separated women are at elevated risk of rape from ex-husbands and partners (Kurz, 1997; Schwartz, 1989). Conversely, marriage does provide some protection for women, at least from stranger rape. For example, Blau and Blau (1982) analysed the USA Uniform Crime Reports and reported that the percent divorced is the most viable predictor of variation in rape rates found in ‘middle range’ communities. Married respondents in the national victim survey in the USA (U.S. Department of Justice, 2000) were characterised by lower levels of rape victimisation. Persons never married were victimised at the rate of 1.5 per 1,000 head
of population, compared to 0.1 for married, less than 0.1 for widowed persons and 1.4 for divorced or separated persons.

2.5.5 Victim Vulnerability

The degree to which some women are at greater risk of assault is controversial and the evidence contradictory. Feminist writers, especially, assert that all women are equally at risk of rape, and that victimisation is unaffected by class, employment, income and age (Donat & D'Emillo, 1997; Koss & Dinero, 1989; Scott, Lefley & Hicks, 1993). However, Stevens (1994) in his study of 61 incarcerated serial rape offenders, reported “vulnerability” was the most frequently mentioned characteristic they looked for. Almost 70% of his subjects indicated that ‘easy prey’ was the main characteristic in their victims. Young females were perceived as vulnerable because of their relative inexperience and the ease with which they could be manipulated. An alcohol or drug affected woman has a reduced range of preventative options, while her ability to recognise potentially dangerous situations is diminished (Giannini, Price & Kniepple, 1987; Rickert & Wiemann, 1998), a fact potential rape offenders are no doubt aware of. They may also be aware that juries are reluctant to convict where the victim was intoxicated (Johnson, 1994).

Other vulnerabilities rendering women at greater risk include physical disabilities (Beail & Warden, 1995; Bottoms, Nysse-Carris, Harris, & Tyda, 2003) or intellectual disability (Aylott, 1999). Rape offenders seem to prefer victims, such as prostitutes or intoxicated women, who are less likely to offer resistance or report them to criminal justice authorities (Grossin, Sibille, Lorin, de la Grandmaison, Banasr, Brion, & Durigon, 2003; Katz, 1994; Lagrance, 1999; Stevens, 1994). Childhood sexual abuse also seems to render a woman vulnerable to re-victimisation in adulthood. Jankowski, Leitenberg, Henning, and Coffey (2002) found in their survey of undergraduate women that childhood sexual abuse increased the possibility of adult victimisation by a factor of two, and women subjected to two or more traumas in childhood had three-fold risk. An analysis of Women’s Safety Survey data by Coumarelos and Allen (1998) found women who had been sexually victimised as children had twice the odds probability of being sexually assaulted as adults. Russell (1982), in her probability sample of 930 women, reported that 61% of females victimised by someone outside the family in childhood were re-victimised in adulthood, compared to 35% of women with no history of childhood sexual abuse. The risk of revictimisation could be magnified by living in violent neighbourhoods (sexual offending hotspots) or remaining easily accessible to perpetrators (Acerno & Kilpatrick, 1997). Victims of childhood sexual abuse may abuse alcohol and drugs as a means of escape, which places them at higher, risk of assault (Epstein, Saunders, Kilpatrick, & Resnick, 1998; Moncrieff, Drummond, Candy, Checinski & Farmer, 1996). Social class also seems to influence the risk of rape—those in the highest income groups have the lowest rates of victimisation (Buckner, Bassuk &
Zima, 1993; Russell, 1984). It is likely that higher status women reside in less crime prone
neighbourhoods have more resources to leave violent relationships and generally experience less
exposure to potential perpetrators than lower SES women.

2.5.6 Summary of Victim Characteristics

The characteristics of rape victims have not received the amount of scholarly attention devoted to
offenders. Given that most rapes are not reported and many women do not characterise their
experience as rape, especially those with a known perpetrator (Koss, et al, 1987), many victim
descriptions, like those of rape offenders, may be atypical of the whole population. Despite the
methodological issues surrounding the profiling of female victims, some tentative observations can be
made. A disproportionate number of women sexually victimised as children were revictimised as
adults. Coumarelos and Allen (1998) reported that Australian women victimised as children had
twice the odds probability of adult sexual revictimisation. Victims, like offenders, are usually young.
Women aged 16 to 19 and then 20 to 24 are at the greatest risk of rape. Thereafter, the probability of
rape declines significantly. Single women are attacked at higher rates than married women are,
possibly as a function of their dating and social activities bringing them into contact with potential
offenders. Marriage may offer some protection to women, but even so 14% of married women are
raped (Russell, 1986). Vulnerabilities such as intellectual or physical disabilities and especially
childhood sexual abuse render women at greater risk of violence. Rape victimisation is not usually
random and offenders tend to be rational in their choice of victims, preferring young, vulnerable
women.

2.6 Offence Characteristics

The following section examines some of the major characteristics of rape, including location, season,
and timing, degree of physical violence and planning. The purpose of this section is to place rape in
its offending context by examining some of its physical, situational, and environmental
characteristics. An understanding of characteristics of rape provides the basis for developing a
situational model of crime framework and devising preventative strategies and interventions.

2.6.1 Location

Rapes are more likely to occur indoors than outdoors (Koskela & Pain, 2000; Quinsey & Upfold,
1985). In Queensland, almost 62% of rapes and attempted rapes occurred in a residential dwelling
and 22% outdoors. Entertainment premises accounted for only 1.1% of rape locations while the
remainder occurred in locations such as educational, retail or other commercial settings (Moran,
The majority of rapes occur in relatively safe environments (for the perpetrator) where the victim and perpetrator are alone and unlikely to be seen or interrupted (Harari, Harari, & White, 1985; Quinsey & Upfold, 1985). Similar findings were reported by Alexander, Franklin and Wolf (1994) in their study of work related sexual assaults in Washington State, where rape sites were characterized by isolation from the public and co-workers. In a study by Stoks (1982), cited in Goldstein (1994), 60% of rape sites had vegetation (trees, shrubs or long grass) that obscured the outdoor rape site. The presence of substantial barriers such as walls, fences, or ground slopes was also associated with rapes. The greater the number and height of barriers, the higher the probability a rape would be successful. In 70% of successful rapes, the quality of lighting prevented the ability of witnesses to identify the rape offender. Holmes and Holmes, (2002) also argue that rape offenders are unlikely to rape in unfamiliar locations because they need to feel completely in control in a strange environment.

There is also a marked difference in the sexual assault rate across local government areas. In New South Wales, the sexual assault rate varied from between 81.6 per 100,000 in rural Griffith, to 214.8 in Rylstone north of Sydney. In the USA, rapes tend to be lowest in the northeastern states and highest in small cities adjacent to large military installations. Pine Bluff in Arkansas (adjacent to a large military base) has 107 rapes per 100,000 head of population, while Alaska had 5.6 rapes per 100,000 (Stoil, 1998). In general, rural areas have lower sexual assault rates than urban areas, although it seems that districts with high Aboriginal populations record higher crime rates (Clapham, Stevenson, & Lo, 2006; Office of Economic and Statistical Research, 1999). Rape rates also vary internationally. Abramson and Hayashi (1984), cited in McConaghy (1993), in comparing the rape rates in various countries, reported the rate was 34.5 per 100,000 in the USA, 10.7 in West Germany, 10.1 in England, 3.2 in France and 2.4 in Japan. Because of prevalence, statistics like these have led some researchers to assess the USA and Australia as having a rape supportive culture characterised by hypermasculinity and gender inequalities (Easteal, 1992; Jenkins, 1997).

### 2.6.2 Date, Time and Season

Rapes are more likely to occur during the hours of darkness and on weekends (Butchart & Brown, 1991; John, 1978; Nesvold, Worm, Vala, & Agnarsdottir, 2005). These are the times when the victim and perpetrator are more likely to intersect in social situations, such as dates, after parties or nightclubbing. Evenings and weekends are also when victims and perpetrators are more likely to have consumed alcohol, which can impair judgement and enhance vulnerabilities in victims. Rapes occur more frequently during the summer months, presumably a function of greater socialisation and alcohol consumption (Bicakova-Rocher, Smolensky, Reinberg, & De Prins, 1985; Michael & Zumpe, 1983; Sanford, Cryer, Christensen, & Mattox, 1979). Possibly victims are wearing lighter and more revealing clothes which may assist the commissioning of the offence. In addition, the victim’s
clothing may also provide unintended messages and cues which may amplified by the offender’s intoxication levels. (Abbey, Cozzarelli, McLaughlin, & Harnish, 1987; Edmonds & Cahoon, 1986; Odem & Clay-Warner, 1997).

### 2.6.3 Physical Violence Used in Rape

All victims of rape have been injured through the very nature of the crime. The literature presents varying accounts on the amount of violence, additional to the rape itself. According to an analysis by the (USA) National Crime and Victimization Surveys between 1992 and 2000, 39% of the victims of completed rapes were injured in the attack beyond the rape itself (Tjaden & Thoennes, 1998). Five percent sustained serious injuries, 33% minor injuries and in the remaining 61% level of injury could not be determined (Rennison, 2002). The UK counterpart study, the British Crime Survey for 1998 and 2000, found that attacks by partners (39%) are more than twice as likely to result in physical injury as those by strangers (19%). In a retrospective review of northern England hospital records on women examined after alleging rape, 22 of the 83 cases examined had genital injuries, while 68 had some form of physical injury, although most of these were minor (Bowyer & Dalton, 1997). This suggests that most rape offenders are able to control their victims without recourse to violence. There is some research evidence that “freezing” is a common response in rape victims and stronger control methods are not necessary. Galliano, Noble, Travis, and Puechl (1993) found 37% of women demonstrated immobility during the attack. The mere presence of the rape offender is probably enough to control the victim and the situation (Muram, 1992). Victim injuries are likely to increase the probability of conviction if the matter comes to trial so rape offenders are probably reluctant to resort to actions that increase their risks.

### 2.6.4 Planning

In general, the literature provides contradictory reports on planning in rape. Some researchers, particularly feminist scholars, argue that stranger rape offenders often target their victims well ahead of the attack and plan their offence (Easteal, 1992; Schafran, 1996). Prominent clinical researchers, for example, Marshall and Barabée (1989), also agree that the majority of rapes are planned, with offenders setting up the right circumstances to facilitate abuse such as priming themselves with alcohol. Amir (1971) estimated 71% of rapes are planned, while Giannini and Fellows (1986) argued that stranger rape offenders often plan rape, whereas date rape offenders often plan sex. Indicators of planning include victims experiencing phone calls, notes, burglaries, prowlers, peeping toms, and feelings of being watched or followed before the attack.
Laws and O’Donohue, (1997) distinguish between distal and proximal planning. Distal planning involves setting up the offence and may be covertly or openly acknowledged by the rape offender. Covert planning, on the other hand, involves the making of a seemingly unrelated decision that may be undertaken at an unconscious level but set the scene for offending (Pithers, 1990). Some offenders will freely admit to planning the offence and carefully evaluate the risks involved in the offending before it takes place, while other rape offenders will claim that their offences are unplanned or impulsive. The degree of planning can also vary between offences. A serial rape offender who usually carefully plans his offences, may, after a fight with his relationship partner, impulsively offend (Turvey, 2002).

A contrary view on planning is provided by Allison and Wrightsman (1993). They report that 98% of rape offenders state that their choice of victim was opportunistic. Tonry and Farrington (1995) state that many sex crimes are impulsive and committed under the influence of alcohol or powerful emotions. Louw (1988) also reported that rape offenders often decide to offend less than an hour before committing the offence. An example of the opportunistic nature of some rapes is provided by Indermaur (1995) where a burglar finds a female victim alone and decides impulsively to rape; but he did not break into the house with intent to rape. Cognitive and relapse prevention therapies used in treating sex offenders focus on mental precursors but this emphasis may inadvertently over-state the role of planning in many rapes. In addition, most rape studies rely on forensic populations who provide a biased sample and in all probability represent serial and stranger rape offenders who do plan. In summary, it appears that while some rapes undoubtedly involve preparation, the line between impulsivity, planning and opportunity taking is difficult to determine. Nevertheless, offenders most likely consider a range of factors, such as location before committing the offence.

2.6.5 Summary of Offence Characteristics

The information sources informing the characteristics of rape are drawn from official sources such as police reports and victims surveys. Although the usually methodological and sampling issues related to these types of data sources are still relevant, there is still good evidence to believe that the picture they paint of rape is generally reliable. Numerous studies have indicated that rape is an offence that occurs mainly in residential locations (Greenfeld, 1997). Residential locations provide the privacy necessary to effect rape while bedrooms and beds may provide sexual cues for offenders. Rapes are more likely to occur in the evening and over the weekend, times when people are socialising and consuming alcohol. Most rapes are relatively non-violent affairs, beyond the violence of the offence itself (Rennison, 2002); the rape offender is generally rational in the use of overt violence that acts to increase conviction probabilities and sentence duration. The degree of planning most likely varies
between offenders and circumstances. Serial offenders are more likely to plan, but the majority of offenders are likely to prove relatively impulsive and opportunistic in their crimes.

2.7 Traditional Theoretical Explanations of Rape

The next section considers the main theoretical positions describing rape. As indicated earlier, two of the most prominent are the sociocultural/feminist (Brownmiller, 1975; 1999) and psychopathological (Marshall & Barabae, 1989). The former emphasises gender inequality as the primary cause of rape, while the latter focuses on internal psychological processes. Each literature encompasses different approaches and emphasises, for example, the psychopathological literature has a treatment focus, while the feminist concentration is on socio-cultural and structural factors. The two approaches also differ on investigative methodologies with the sociocultural/feminist approaches frequently using sociological derived investigative methodologies, while the treatment focused psychopathological approaches often centred on the individual or small group. Between them, the two dominant approaches have constructed a voluminous literature describing rape and sexual offending. The sociocultural/feminist approaches have captured the popular, and media conceptualisation about rape and have provided the intellectual and theoretical framework and ideology underpinning initiatives such as women’s refuges, legislative changes and education courses (Neame, 2003). The psychopathological frameworks have primarily informed treatment programs. Both frameworks have generally remained outside criminological discourses on rape. However, they dominate the popular, and specialist understanding of rape.

2.7.1 Sociocultural/Feminist Explanations of Rape

One of the most influential explanations of rape is the feminist or socio-cultural perspective. While there are varieties of approaches within this perspective, feminist epistemology places male-female differences at centre of inquiry, and social inequality between males and females as the key factor in violence and rape (Ben Zvi & Horsfall, 1985; Donat & D’Emillo, 1997; Koss, 2000). In this perspective, rape is a pseudosexual act that is primarily motivated by male social and cultural dominance with the aim of subjugating women (Brownmiller, 1975). The reason only some men offend is explained by hypermasculinity in which some men have more offence prone cognitions (Howitt, 1995). According to this approach, while only some men rape, all men benefit through keeping women terrorised and subjugated (Brownmiller, 1999; Stuart, 1993). Feminists also argue that rape is a social/structural problem and not the result of individual pathology (Epps, 1996). For example, the high frequency of date rape (see Koss, 1985) implies that rape is a normative behaviour for a significant minority of men. Attempts to pathologise rape, and rape offenders shifts responsibility to the individual rape offender and ignores the social and structural causes, particularly
the unequal position women hold in patriarchal societies. The belief that rape is an exercise in male power over women (Nye, 1988, p 97; Ward, 1995, p 181) is now widespread in the community as demonstrated in Eastal’s (1993) survey in which 85% of 5,303 female respondents agreed or strongly agreed with the statement.

**Empirical Support for Feminist Position**

Empirical support for the feminist perspective on rape is found in prevalence statistics (see Section 2.3). Its very prevalence is simply too large to be accounted for by individual pathological or criminal causes and must be considered a normative behaviour for many men. The extent of rape-supportive attitudes held by young men provides additional support for the feminist position regarding its perceived normality, as does the widespread community acceptance of rape-supportive attitudes (Koss, 2000). According to the feminist perspective, entrenched community support for rape is found in the estimated 1% conviction rate for rape (Grossman, Martis & Fichtner, 1999). Feminist researchers also argue that rape offenders cannot be differentiated from non-rape offenders on the penile plethysmograph machine (Eccles, Marshall, & Barbaree, 1994) - a machine commonly used for measuring changes in the circumference of the penis in response to sexual stimuli. Nor do they suffer from mental illness in a magnitude that differentiates them from non-rape offenders (Hudson & Ward, 1997). Rape, according to feminist theorists, is not the act of few deranged men, overcome by passion or substances, but a normative behaviour for a significant minority of men, and condoned by a male power structure.

**Implications of Sociocultural/Feminist Models**

Sociocultural/feminist rape models informed a significant number of initiatives. According to the models, the primary cause of rape lay in structural, gendered inequalities inherent in a patriarchal society and that directly benefited men (Odem & Clay-Warner, 1997; Schwendinger & Schwendinger, 1983; Wyre & Swift, 1990). Removing gender inequalities would reduce rape in the longer term but short-term solutions were required. Changing social attitudes to sexual assault and combating rape myths was one of the first initiatives undertaken. Rape myths are false beliefs held about rape, such as “Women who hitchhike deserves to be raped” (Ashton, 1982). Rape myths were understood by feminist theorists to promote dangerous beliefs in both men and women. Specifically in men, they provided cognitive rationales for rape and encouraged self-blame in women (Bohner, Siebler, & Schmelcher, 2006; Chiroro et al., 2004). This articulated into rape prevention courses provided at universities for both male and female students (Carroll & Jackson, 1996; Frazier, Valtinson, & Candell, 1994). Feminist theory also informed changes to sexual harassment legislation that was perceived as supporting male attitudes to sexual exploitation of women (Renick, 1980). Changing the general community’s rape attitudes was also expected to inform juries’ understanding of
rape resulting in higher conviction rates, which in turn would send a clear message to potential offenders (Allison & Wrightsman, 1993).

Changes to rape law, courtroom procedures and police investigative processes can also be traced to feminist initiatives (Baker, 1997; Benson, 1989; Brownmiller, 1999). Victims in rape trials are now generally shielded from questioning about their sexual history, corroborating requirements in the judge’s summing up were removed (Legislative Review Committee - South Australian Parliament, 2004). In some jurisdictions, for example Canada, rape laws were subsumed under sexual assault laws (Renner & Sahjpaul, 1986; Roberts, Grossman & Gebotys, 1996). In addition, the investigation processes by police were changed to be more sensitive to victims (Gregory & Lees, 1996; 1999). In summary, these initiatives made the victim’s involvement with the criminal justice system less threatening than it had been previously, encouraged women to complain about their victimisation, and made prosecutions easier. Sociocultural/feminist initiatives also alerted the community to the extent of rape existing in the community and placed it firmly on the political agenda.

**Strengths and Weaknesses of the Sociocultural/Feminist Position**

Sociocultural/feminist rape theory is underpinned by the notion that sexual assaults are motivated by power rather than sex, and that rape buttresses male social and economic hegemony through the subjugation of women. These rape theories were among the first to propose non-dispositional causes, which challenged the dominance enjoyed by psychopathologically derived explanations. They brought rape and sexual assault into public awareness and publicised its prevalence in the community. This public awareness articulated into increased resources for women’s refuges, changes to rape legislation, courtroom procedures and penalty increases. In addition, victims exhibited an increased readiness to complain to criminal justice system agencies about their victimisation. Public awareness, media and political attention motivated correctional agencies to provide treatment and closer supervision for convicted sexual offenders. The sociocultural/feminist framework still enjoys major public and media endorsement, particularly “rape is about power not sex” (Alles, 2002).

However, the narrow ideological basis of the sociocultural/feminist framework is problematic. Principally, the notion that rape is motivated by power, not sex and that rape was a mechanism to subjugate women is difficult to support with research evidence. For example, rape is not a random event and women are not equally at risk of victimisation. Younger, single, poor, Aboriginal, and unemployed females had the highest victimisation rates (see Section 2.5). Rape victimisation probabilities also increased as a function of alcohol and drug consumption, the number of her sexual and dating partners, but not the amount of power she possessed. Rape was also associated with localities characterised by social decay, unemployment, and in the USA the number of blacks and young men between the ages of 15 and 24 (Baron & Straus, 1989; Baron, Straus, & Jaffee, 1988).
Rape was also lower in highly patriarchal societies where feminist theory would predict otherwise. As abovementioned, the rape rates varied between countries from 34.5 per 100,000 in the USA to 2.4 in (patriarchal) Japan (Abramson & Hayashi (1984), cited in McConaghy, (1993). These findings challenge the sociocultural/feminist assertion regarding the randomness of rape victimisation. Sociocultural/feminist theory also experiences difficulty in explaining why some men who could rape, do not.

Feminist theories of rape have also been criticised for their inability to adequately explain why there is not more rape if gendered power differentials underlie the offence. Levi (1994, p. 329) argued, “rape in the west occurs disproportionately against young relatively poor women”, “…such a distribution is hard to explain in terms of collective male interest”. And (p. 329), “…feminist explanation of rape grossly over predict the amount of rape and fail to account for fact that there are relatively so few rapists, who rape as frequently as their analysis of their individual and gendered value systems would lead us to expect”. The rape rate has also apparently declined in inverse proportions to the number of women entering the workforce (Bureau of Justice Statistics, 2004). Again, it would be expected that as women participate more freely in employment, the rape rate would increase.

Nor can feminist/sociocultural approaches adequately explain sexual offending by women. Explanations involving power or subjugation are not easily accommodated in these theories. Although relatively rare compared to male sexual offending, it nevertheless does exist. In a review of the literature on sexual offending Denov and Cortoni (2006) argued that official sourced statistics from the U.S. Department of Justice (2002) and Home Office (2001) figures show that 1.2% and 2% respectively, of adults convicted for sexual offences were female. But these officially based statistics failed to consider that case and self-reports studies produced much higher estimates of female sexual abuse. In a study of 412 male and 540 female college students, 4.8% of male and 7.8% of females report having been abused. Sixty percent of the male victims report being abused by a female (Fritz, Stoll & Wagner, 1981). In a retrospective questionnaire approach of 582 college men 15% reported childhood sexual abuse, of these 78% were abused by a female (Fromuth & Burkhart, 1989). While sexual offending is higher than in officially reported statistics, convicted female sexual offenders are quite rare in correctional institutions. Feminist theories of subjugation and power do not sit well with female sexual offending. Its causes must be informed by a myriad of motives but power and subjugation motives seem an inadequate explanation. In summary, while feminist/sociocultural approaches have identified some of the underlying causes of rape, there are deficits in their theories that fail to explain why rape is not more widespread, or perpetrators targets young and poor women, and sexual offending by females.
Summary of Sociocultural/Feminist Perspective

Sociocultural/feminist researchers were among the first to identify rape that had structural and social, origins (Bart, & Moran, 1993; Fine, Ingersoll, Macpherson, & Roberts, 1996). From their perspective, rape was not the act of a few deranged men but a systematic process designed to subjugate women. The sheer weight of numbers and the prevalence of rape in society could only be explained by power differentials between men and women. Sociocultural/feminist researchers proved very influential in establish rape had more to do with power than sex – a belief still widely held in alerting the community to the prevalence of sexual abuse. Feminist researchers were critical of psychopathological explanations of rape arguing that it pathologised the offence and defined perpetrators as the act of a few “sick” men – the perceived pathological nature of rape did not require changes to social power structures.

Because rape was rooted in the structural inequalities between men and women, the discriminations would have to be addressed before rape could be reduced. The fight for overall gender equality was seen as part of the process. In a broader sense, it resulted in significant legislative changes to remove gender inequality and improve the rights of women. On a more focussed level, feminist anti-rape measures included changed courtroom procedures, such as removing the corroboration requirements in rape trials, and cross-examination of victims’ sexual histories. Feminism was also the driving force behind women’s refuges and rape crisis counselling centres. Changing public attitudes to sexual offending probably can be traced to the work of feminist activist and “femocrats” (feminist bureaucrat). These changes resulted in lengthier sentences and treatment for sexual offenders.

Some of the more focused changes flowing from sociocultural/feminist approaches have produced variable outcomes. Educational courses designed to reduce rape and sexual assaults, especially at educational institutions have not reduced sexual assault rates. Legislative changes while increasing the number of complainants have not increased the number of rape convictions. In fact, the opposite has happened. In the UK the convictions rate fell by 15% between 1985 and 1994 (Gregory & Lees, 1999).

However, feminism may have shaped community attitudes to rape and had a global influence not reflected in intervention programs. For example, the 30 year, six-fold reduction in the rape prevalence rate in the USA (Bureau of Justice Statistics, 2006) may reflect modern concepts of consent percolating into the general community consciousness. Similarly, sexual discrimination legislation and media awareness of rape (influenced by feminist conceptualizations) may have also changed community perceptions about rape in the long term. Thus, individual programs informed by feminist theories may produce variable results in the short-term, but whole of community attitudinal
changes regarding rape, sexuality, consent and relationships that are underpinned by sociocultural/feminist theories have proven more successfully and resulted in declining rape rates.

In summary, sociocultural/feminist researchers alerted the community to the prevalence of rape and sexual assault (Benson, 1989). Recent developments in the sexual assault literature are underwritten by the increased interest and attention first generated by sociocultural/feminist researchers. They provided an alternative hypothesis to dispositional theories that then dominated the field and opened up the first new avenues for rape investigation in almost a century. They also underpinned or initiated changes to legislation, court room practice, police investigative procedures, education and women’s refuges. Feminist scholarship has accumulated an impressive corpus of research into the structural, social, cultural and power underpinnings of rape, its prevalence and motivation. (In this regard, feminists and control theorists would agree that the prevalence of rape proclivity is widespread.) However, this research does not well account for the situational correlates of rape, its opportunity structures and proximal causes. But it is not alone in this; psychopathological theories of rape (discussed later in Section 2.7.2) have also not addressed these issues in any detail. Nor until comparatively recently have criminological theories.

2.7.2 Psychopathological Theories of Rape

Although there are numerous psychopathological theories of sexual offending/rape, a number of influential models can be delineated in the literature. Psychopathological explanations of rape have their genesis in the works of early psychiatrist theorists such as Kraft-Ebbing and Freud (Albin, 1977) and their influence is still evident. The common theme uniting most psychopathological models is their emphasis on internal schemas to explain the genesis and maintenance of rape behaviours. Cognitions, perceptions, personalities, attitudes, social learning, modelling and socialisation are the common terminology of these approaches and the deviancy aspects rather than its criminological aspects are emphasised (Marshall, 1993; Pithers, 1993; Resick & Schnicke 1993). These models and their concepts inform treatment and assessments of rape offenders (Marshall & Barbaree, 1984).

Major Theoretical Perspectives

The current psychopathological models explaining rape (for example, Groth, 1979; Finkelhor, 1984; Ward, Hudson & Marshall, 1996) have focussed on its cognitive/behavioural aspects and generally minimise the criminological features. Rape is perceived as more deviantly than criminally motivated. In particular, cognitive distortions, rape myth acceptance, and social skills deficits are seen as the primary underpinnings of rape (Abel, 1988; Bohner et al., 2006; Lipton, McDonel & McFall, 1987). Nevertheless, psychopathological models are not “pure”, in the sense of ascribing causality to only psychological factors. They acknowledge environmental and situational factors, but their emphasis
remains on internal causes (discussed in the next sections). Three main psychopathological models can be identified in the literature: 1.) psychodynamic; 2.) Finkelhor’s (1984) four-preconditions; and 3.) Marshall and Barabee’s (1989) integrated models. The psychodynamic model is perhaps the only “pure” model in ascribing causality solely to dispositional factors and it is now examined.

Psychodynamic Models
Psychodynamic-influenced approaches to sexual assault and rape were the mainstay of treatment and assessment until the 1970s (Marshall, 1999). They were rarely based on research, and clinical experience was the main foundation (Howitt, 1995). Psychodynamically based theories perceived rape as a character disorder, with its origins being infantile sexual desires that continued into adulthood (Polaschek, Ward & Hudson, 1997). These approaches tend to minimise the sexual component and to reinterpret the behaviour as ineffectual attempts to meet ordinary human needs (Herman, 1990). Typically, Freudian explanations involve castration anxieties and Oedipal conflicts. They also emphasise feelings of anxiety and inadequacy in the perpetrator together with his unacknowledged homosexual tendencies. These forces interact with aggression and are directed at the victim as a substituted object for the mother. Treatment using psychodynamic principles is lengthy and based on one-to-one therapy. It is little used in modern treatment programs because it does not focus on criminogenic factors (Gendreau, 1986), nor does it emphasise other causative actions driving rape, such as opportunity.

Finkelhor’s Four-Precondition Model
Finkelhor’s (1984) model was developed to explain child sex abuse but the model’s robustness allows it application to sexual offenders in general. It placed sexual offending within interpersonal and social contexts and recognised the role of situations in sexual offending. It was perhaps the first major theory that did so. It proposes that four preconditions must be met before a sexual offence can occur and each is further broken down into sub-categories.

The first of the preconditions is motivation to sexually abuse. Motivation consists of: 1.) an emotional congruence with the intended behaviour, for example, the need for sexual entitlement or the satisfaction of emotional needs such as power or anger; 2.) sexual arousal to non-consenting sex, perhaps learnt through childhood experiences, pornography or hormonal abnormalities; and 3.) blockages that make normal adult sexual consensual gratification unavailable, for example, difficulties in relating to adult females, anxiety or social skill deficits.

The next element of the model is the overcoming of the offender’s internal inhibitors through mechanism such as alcohol, mental retardation, impulse disorders, situational stress, anger or psychosis. In addition, tolerance of sexually aggressive behaviours in cultures or sub-cultures can
weaken inhibitions. Rationalisations such as “hitchhikers deserve what they get” are usually associated with overcoming the internal inhibitors.

The third phase of the model relates to overcoming external inhibitors to the offence occurring. It includes activists such as getting the victim alone or in a vulnerable situation to reduce the probabilities of apprehension. Overcoming external inhibitors is the most reliable of Finkelhor’s preconditions and, as shall be seen, has links to situational models of crime, especially situational crime prevention frameworks (discussed in Chapter 3).

The final phase in sexual abuse is overcoming victim resistance. In rape, resistance can be overcome through the uses of threats, physical violence, and constant pressure in a dating situation or victim intoxication. Victim intoxication has the added advantage for the rape offender in weakening victim creditability with juries (Johnson, 1994).

Marshall and Barbaree’s (1990) Integrated Model
Marshall and Barbaree’s (1990) model attempts to integrate the widely disparate literature concerning factors, which play a role in the aetiology of sex offending. Their model emphasises biological, childhood experiences, sociocultural, pornography and transitory situational factors in sexual offending. Sexually aggressive behaviour is understood as the interaction of static, dynamic, biological, individual, and situational factors. The model represents one of the best attempts to assimilate these factors into a single coherent model of sexual offending. It assumes the propensity for sexual aggressive behaviour is widespread in males and is impeded or prevented through positive socialisation. The model is flexible and robust enough to be address sexual assault of both children and adult women (Polaschek et al., 1997).

According to the model, males are biologically predisposed to sexual activity. Evolution has provided human males with various behavioural options that may be used for fulfilling sexual goals, which may include threats, aggression, or coercion. Hormonal, endocrine and sex steroids are significant components of the biological process. The human male is required to appropriately separate sex and aggression and inhibit aggression in sexual contact. The biological heritage of humans can make this task difficult and high levels of sex steroids can increase this difficulty. However, developmental and environmental factors, such as a warm and supportive family, mediate the control of aggression.

Childhood experiences can be a significant factor in sexual aggressive. Boys reared in violent and neglectful environments, characterised by harsh and inconsistent discipline and an absence of parental love, are at risk of developing hostility, resentment, and aggression. Nor does this type of childhood experience instil appropriate inhibitory controls over sex and aggression at a time when the boy may
be undergoing massive changes associated with puberty. The pubertal release of hormones may serve to fuse sex and aggression and enhance already aggressive proclivities in the adolescent male. In addition, their capacity for intimacy as an adult is diminished and leads to emotional loneliness and this can develop into aggressive behaviour.

The sociocultural environment can exacerbate biological and developmentally instilled attitudes and behaviours. During adolescence, the socialisation role of the family is increasingly replaced by outside agencies such as peers and media. Adolescent males reared under adversative circumstances while undergoing massive pubertal changes can be rendered more susceptible to negative portrayals of women such as found in the media, pornography, and prevailing sexist/patriarchal society. If inhibitory attitudes, or alternative realistic assessments that should have been learnt in childhood and early adolescence have not been internalised the probability for later sexually aggressive behaviour is increased.

Transitory situational factors are the final element in the integrated model. The disinhibiting effects of intoxication in the young male from a toxic childhood environment and influenced by media and pornographic portrayals of women provide a dangerous combination. Chief among the situational factors are substance abuse, anger, feelings of anonymity of large cities and these can motivate sexual offending. The anonymity provided in large cities or during wartime, reduced possibility of detection and retribution can facilitate rape.

**Implications for Psychopathological Interventions**

Psychopathological interventions retained the traditional psychiatric emphasis on the role of psychological factors in sexual offending. While the most influential frameworks like Marshall and Barabée (1996) and Finkelhor’s (1984) recognised or imply that psychological functioning interact with social, cultural and situational factors to produce sexual offences, nevertheless their emphasis is psychological. Research into rape has identified a series of factors associated with sexual offending that have become treatment targets, including deviant sexual preference, social skills deficits, cognitive distortions, belief in rape myths, empathy deficits. Numerous research articles in a voluminous literature also identified that rape and sexual offender treatment achieved better results in group therapy formats that used cognitive behavioural and relapse prevention interventions (Epps, 1991; McGregor & Howell 1997; Marx, Miranda & Meyerson, 1999). However, most psychopathological research is treatment focused on offenders in forensic settings and undertaken by psychologists or psychiatrists who view the behaviour through the lenses of their particular profession.
Empirical Support for Psychopathological Interventions Strategies

The clinical approaches represent the most scientific of all the methods investigating rape discussed to date. It is grounded in research methodologies and has the advantage of benefiting from sophisticated statistical processes such as meta-analysis to assist in assessing treatment efficacy (Koss, 2000). Research has been also strengthened by the availability of large criminal justice agency databases on sexual offenders for research. In addition, public, political and media attention on sexual offenders stimulated criminal justice agencies (and academic researchers) to research sexual offenders and offences. Much of this research focused on the treatment programs for convicted or incarcerated sexual offenders. Most programs utilised a cognitive behavioural framework intervention and philosophies (Antonowicz, & Ross, 1994; McGregor & Howell, 1997). At first, the research reported significant treatment effects. For example, Hall (1995) reported the recidivism rate for treated sex offenders was 19% compared to 27% for untreated sex offenders. A New Zealand study by Bakker, Hudson, Wales and Riely (1998) cited in Forensic and Applied Research Group (2000) reported a recidivism rate of 8% for the treated group and 21% for the untreated group. Nicholaiuchuk, Gordon, Gu, and Wong’s (2000) study, which followed Canadian sex offenders for almost six years, reported conviction rates for new sexual offences among treated offenders was 14.5% compared to 33.2% for untreated offenders. Moreover, 48% of treated offenders were not re-imprisoned compared to 28.3% of untreated offenders. There was increasing optimism that sex offender programs “worked” (Clelland, Studer, & Reddon, 1998) and therapy, or more specifically cognitive behavioural therapy, reduced recidivism.

However, doubts remained (Alexander, 1999; Marx et al., 1999; Polaschek et al., 1997). While large-scale meta-analytical studies had detected treatment effects in Sexual Offender Treatment Program (SOTP) and other types of interventions for general offenders, these studies were only as good as their constituent sub-studies – their flaws flowed through to meta-analysis results. In an attempt to resolve these difficult methodological issues, the American Association for the Treatment of Sex Abusers commissioned a report by Hanson, Gordon, Harris, Marques, Murphy, Quinsey et al., (2002). This meta-analysis of international reports concluded sexual offender treatment programs worked. Treatments using cognitive behavioural therapy (CBT) interventions were associated with reductions in sexual recidivism from 17.4 to 9.9% and general recidivism from 51 to 32%. However, this conclusion was quickly challenged by Rice and Harris (2003), who criticised the article for significant methodological problems and concluded that the more rigorous the study, the less likely a treatment effect was visible. Specifically, random assignment studies showed no indications of a treatment effect, and the studies, which did show a treatment effect, involved non-comparable groups. Rice and Harris concluded that the effectiveness of treatment “remains to be demonstrated”.

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On balance, it seems that proponents of SOTP effectiveness have yet to prove their case, and the stakes are very high. Correctional agencies have invested heavily in SOTP, and there are strong community, and political reasons for programs to be perceived as effective. If shown to be ineffective, (a possible outcome), it is likely to have a considerable impact in both political and correctional forums. Currently there are few, if any viable psychological treatment alternatives available to Cognitive Behavioural Therapy/Relapse Prevention interventions.

**Strengths and Weaknesses Psychopathological Position**

A strength of the psychopathological approach is its research focus. Publications in reputable journals are peer reviewed, of a high scientific standard and frequently use sophisticated methodologies and statistical processes. Interventions informed by psychopathological models are usually evidence-based and have identified CBT and relapse prevention interventions as providing the best treatment outcomes (Drieschner, 1999; McGregor & Howell, 1997).

In addition, the psychopathological literature generally acknowledges the role of non-dispositional factors in sexual offending. Finkelhor’s (1984) and Marshall and Barbaree’s (1990) models both include situational and environmental factors as causes in sexual offending but overall psychopathological approaches remain solidly dispositional in orientation. Wortley’s (2001; 2006) work on precipitators and the situational aspects of sex crimes is bridging the gap between the psychopathological treatment focused and situational crime prevention literatures.

A weakness of the approach is its almost total dispositional emphasis. Its focus on internal psychological schema as the primary causes of sexual offending excludes or downplays criminological explanations. This is not discounting the crucial importance of psychological drivers in sexual offending but its overemphasis provides a lop-sided perspective. The psychopathological perspective has also promoted a deviancy over criminality approach. There is an implication that sexual offences are different from non-sexual offences in their genesis, maintenance, prevention, and treatment. Until recently there has been little interaction between the psychopathological and criminological perspectives (see Wortley & Smallbone, 2006).

Another weakness with the psychopathological models relates to treatment efficacy. The evidence for it efficacy is controversial but some promising results have been published. However, if it does prove ineffective, there are few alternatives available. Furthermore, most rape offenders and sexual offenders never appear in the criminal justice system anyway. Even if interventions are successful, only a very small minority of offenders will be treated in any event.
Summary of Psychopathological Frameworks

The defining characteristic of the psychopathological models of rape is their focus on dispositional factors. The psychodynamic models perceived rape as a character disorder with its origins in early childhood experiences frequently involving castration and Oedipal conflicts. Freudian-based models are rarely used in treatment and have been severely criticized by feminists as pathologising and presenting the rape offender as “sick”. Finkelhor’s (1984) four-precondition model originally focused on childhood sexual abuse but it was theoretically robust enough to be applied to rape and other sexual offences. The model incorporated a nascent understanding of the role of situational factors in sexual offending. Marshall and Barabee’s (1990) integrated model incorporated biological, developmental, sociocultural, and situational factors in sexual offending. Psychopathological models have brought scientific rigour to the study of sexual offending, and its evidence-based approaches inform assessment and treatment. A major weakness, from a preventive perspective, is its individual or small group treatment focus – only a minority of offenders are treated.

2.8 Conclusions

There has been considerable effort by social and behavioural scientists to understand, prevent, and treat rape. Various typologies have been generated in an attempt to provide the rigour of classification systems on the offence. They are either too rudimentary, incorrectly classify, fail to capture the nuances of rape or account for the non-specialisation of rape offenders. Similarly, attempts to identify personality characteristics of rape offenders by means of psychological tests have proved inconclusive.

The prevalence of rape is plagued by methodological and definitional problems. However, there has been a convergence of prevalence statistics, especially in the last decade, that indicates rape remains a significant social problem. Rape is an offence that affects at least one in five women. Fear of rape also exerts an insidious effect on most women, regardless of their victimisation status. It is unclear if variations in rape rates represent an actual decrease (or increase) and that decreases are attributable to interventions such as treatment or legislative initiative changes. Reported decreases in rape may be reflecting a diminishing age pool of potential rape offenders, while increases may reflect changing social attitudes, which encourage women to report offences.

The literature has reported conflicting results on the prevalence of rape. For example, the Bureau of Justice Statistics (2006) reports a decline in the last decade while Koss (2000) argues the opposite. Some practitioners and researchers have expressed doubt about the Bureau of Justice Statistics’ (2006) conclusions; especially given the underreporting of sexual offences (Koss, 2000). Koss’ position would reflect the majority view (see for example, Magid, Houry, Koepsell, Ziller, Soules &
Jenny, 2004; Watts & Zimmerman, 2002) regarding the prevalence of rape. The psychological/psychopathology literature is similarly unable to report with any degree of reliability a treatment effect from its interventions. Legislative initiatives also show a similar inability to demonstrate their efforts have resulted in declines. Heavier penalties may backfire with jurors unwilling to send men to lengthy custodial sentences, which in their minds the offence might not justify (Wyre & Swift, 1990). It is not that these initiatives are inappropriate or wrongly directed; it is they just do not articulate into prevention or decline. A major problem is the reactive nature of these initiatives. Most current interventions do not commence until after the offence has occurred. Police investigative procedures, cross-examination changes, rape crisis centres and counselling are all post offence activities. Another major problem in addressing rape is that most offences are not reported. Even if the various interventions were successful, they will only affect a minority of offenders.

From a theoretical perspective, the current approaches are too restrictive. In the case of feminist approaches, they are too ideologically based and in the clinical, too dispositionally based. They have been unable to articulate theoretical understandings into prevention or decreases in prevalence. Their understanding of rape as an event qualitatively different from other crimes, as different in its genesis, maintenance and commissioning from other crimes does not provide a useful basis for addressing the offence. Both theoretical positions impress as stalled. After 40 years of intensive research, neither feminism nor clinical approaches can demonstrate unambiguous reductions in prevalence attributable to their interventions. Rape prevention requires the addition of new approaches that are outside the narrow confines of these propositions. Fortunately, there are examples where crime has been reduced by using criminological approaches that rely on significantly different premises.

Situational models approach crime from a significantly less dispositional and ideological perspective than the abovementioned theories. These models have accumulated a respectable record of accomplishment in crime reduction and prevention although until quite recently there has been little focus on sexual offending. The thesis will now examine situational crime prevention and its applicability to rape.
Chapter 3: A Situational Theory of Rape

3.1 Introduction

The focus of this chapter is on rape from the perspective of a situational model of crime. The main theoretical underpinnings of situational models are examined – routine activity theory and rational choice, the role of opportunity in offending, and a situational-influenced offender typology. The applicability of situational models and theories to rape will be emphasised. Until recently, sexual offences were rarely examined from a situational perspective (Wortley & Smallbone, 2006). In part, this could be attributed to the theoretical dominance exercised by the sociocultural/feminist and psychopathological frameworks. Rape, in these literatures, was generally understood as having its genesis in combinations of sociocultural and/or dispositional factors. It acquired a “special offence” status that rendered it different from the calendar of non-sexual offences (Hinchliffe, 2000; Marshall, Serran & Marshall, 2006). New developments in situational models, theory and praxis now challenge the “special offence” assessment and allow rape to be investigated from a situational perspective.

Before examining the role of situational factors in rape in detail, it would be useful to provide a brief overview of the situational theory, especially situational crime prevention and its application to non-sexual offences. Situational crime prevention made its reputation responding to non-sexual offences but has rarely been applied to sexual offences until quite recently (see Wortley & Smallbone 2006).

Situational crime prevention can trace its immediate aetiology back to the 1970s but its roots can be traced back further to the classical school of criminology which includes the work of Jeremy Bentham and Cesare Beccaria and others (Lehtola & Paksula, 1997). Its core concepts revolve around the belief that criminal behaviour is not necessarily a function of fixed personality characteristics of the offender (Weisburd, 1997). Instead, greater emphasis is placed on the situational attributes and opportunities in the context of the offending and how these situational attributes influence the choices and decision made by offenders (Clarke 1995; 1997). Clarke (1997) argued that crime is not simply a matter of motivation, that opportunity also plays a significant role in the decision to offend. An example of this assertion, perhaps technically not an offence, but illustrative of the principle is suicide. Clarke and Mayhew (1988) report the UK suicide rate declined by 30 percent over 12 years with the switch to non-lethal domestic gas. The traditional UK way of suiciding by placing ones head in the oven and turning on the gas was eliminated. Clarke makes the point that suicide is generally considered the act of desperate people. Yet the indications are that opportunity was a major factor driving suicide.
Situational crime prevention has four major components relating to its theory and practice:

- A theoretical foundation drawing upon Routine Activity Theory and Rational Choice.
- A stated methodology based on the action research paradigm.
- A set of opportunity reduction techniques or target hardening.
- A body of evaluated practice including studies of displacement (Sutton, 1999).

In its broadest sense, situational crime prevention attempts to reduce the opportunities for crime by changing the relationship between the offender, victim and environment (Clarke, 1997). In situational crime prevention, this means preventing a crime from occurring in the first place. It includes attempts to change the physical environment, changing the behaviour of potential victims or strengthening the social control of crime by the community (Cornish & Clarke, 2003). Situational crime prevention has accumulated a respectable record in crime reduction and prevention (see for example, Clarke 1997; Clarke, 1999; Crowe 1991). In his seminal work on situational crime prevention Clarke (1992; 1997) provided examples of its successful implementation in offences such as motor vehicle theft, prostitution, obscene phone callers, convenience store robbery, and drunkenness and violence around nightclubs in a tourist resort. Braga (2006) in meta-analyses of nine policing hot-spots studies concluded that hot spots policing is an effective crime prevention strategy with seven of the nine evaluations reporting noteworthy crime and disorder reductions. Welsh and Farrington (2005) in their review of crime prevention interventions, which included many based on situational crime prevention, indicated that most of the interventions are effective in preventing crime and, in many cases, produce sizeable effects.

### 3.2 Routine Activity Theory

The theoretical framework of situational crime prevention is broad and eclectic but two of its most important supports are routine activity theory and rational choice perspectives (Brunet, 2002; Clarke, 2003; Indermaur, 1999b). Routine activity theory was proposed by Cohen and Felson (1979) to explain the post-second world war increases in crime. The theory is based on a premise that criminal events result from a non-random convergence of 1.) Likely offenders; 2.) Suitable targets; and 3.) An absence of an effective intermediary who capably guards or protects the victim or discourages the offender from committing crime (Tilley & Laycock, 2002). The urban environment facilitates this convergence by concentrating the three elements in time and space. For example, commuter suburbs are frequently deserted during business hours as consequence of women’s increased workforce participation, while simultaneously urban lifestyles have decreased the number of friends, neighbours, and relatives who previously acted as informal guardians. Rising affluence has also stocked houses with an array of small, expensive items available for theft, while the baby boom of the 1950s and
1960s provided a large pool of potential criminals. The combination and convergence of these factors made homes and citizens more vulnerable to predatory crime, while increasing criminal opportunities for potential offenders (Cornish & Clarke, 2003; Gilling, 1997).

A further characteristic of routine activity theory is that offending and target/victim identification frequently occurs as a function of the offender’s everyday patterns of social interaction. Younger people, unmarried people, males and the economically disadvantaged are likely to have everyday patterns that place them in proximity to motivated offenders and in an unguarded environment, more so than people with other SES profiles (Lee, 2000). People living in busy public places, characterised by low SES, have higher levels of violent victimisations because of elevated exposure to potential offenders (Miethe & McDowall, 1993). According to Day, Miner, Nafpaktitis, and Murphy (1987), as cited in Marques and Nelson (1989), more than half of child sexual abusers and more than half of their victims lived in the same household. Ease of access characterises the high-risk situation. Another example can be found in dating practices; women of dating age are at elevated risk of sexual assault, simply through exposure to possible assailants (Conard & Blythe, 2003). Dating or social situations involving alcohol magnifies the risk of sexual assault (Allison & Wrightsman, 1993; Frintner & Rubinson, 1993; Kalof, 1993). A study of women who consistently drink in bars indicated that 32.6% of them had experienced either attempted or completed rape associated with drinking in the bar (Parks & Miller, 1997). There is also strong a relationship between the extent to which people are "out and about" and their likelihood of victimisation (Teece & Williams, 2000). For instance, female taxi drivers had the highest rate of work-related rape rates in Washington State (Alexander et al., 1994).

Cohen and Felson’s (1979) perspective is important to situational models of crime through its non-dispositional explanations of crime. Societal changes led to social disorganisation, which increased criminal opportunities. They argued that criminal activities are not exclusively biological, psychological, economic, or social in origin and offences were tied to the everyday activities of victims and offenders. While routine activity theory emphasised situational over dispositional factors, psychological factors such as offender motivation were assumed. Offenders came to the crime scene already motivated; it was assumed situations lacked motivational power of themselves. Cohen and Felson (1979) initially limited the scope of routine activity theory to direct contact predatory violations. However, later the theory was extended and applied to four other types of crime by Felson (1994): 1.) Exploitive type crimes (e.g., rape, robbery), 2.) Mutualistic (e.g., gambling, prostitution), 3.) Competitive (e.g., fighting) and 4.) Individualistic (e.g., personal drug use, suicide). The same principles outlined in the earlier works on routine activity theory applied to crimes of violence ranging from those committed in large school environments (Roman, 2004) to homicide committed by the elderly (Brogden & Nijhar, 2000) and dowry deaths in India (Natarajan, 2004).
The lifestyle features and routine activity patterns of the individuals and organizations generate the contexts that are conducive to abuse and violence (Hopkins, 2002). Koss and Dinero (1989) echoing a routine activity theory of crime approach, observed that probability alone predicts that the more a woman dates the greater the chance of her exposure to rape. Similar arguments have been advanced by Ploughman and Stensrud (1986) who reported differential risk of rape victimization was accounted for by the routine activities of victims. Stevens (1994) developed a theory that predatory rapists search for vulnerable prey in various social landscapes and attack women they believe could not, or would not resist attack. Also partially supporting this explanation is Malamuth’s (1981) finding that 35% of male college students would rape if assured of not being apprehended and punished.

3.2.1 Empirical Support for Routine Activity Theory

There is a considerable body of scholarly literature empirically supporting a routine activity theory model for both non-sexual and sexual crimes. For example, studies have linked stranger rape (Davies & Dale, 1996), farm theft (Barclay & Donnermeyer, 2002) and victimisation at work (Lynch, 1987) to routine activity theory markers. The following case studies relate to non-sexual offending but given sexual offenders’ criminal versatility, the principles have a general applicability. Felson, Berends, Richardson, and Veno (1997) report on interventions for reducing violence, drunkenness and vandalism associated with pub-hopping by large numbers of intoxicated young men in search of cheaper drinks in the Geelong CBD area. Incentives for pub-hopping were reduced by increasing the cost associated with patronising different venues by introducing cover charges for entry, a reduction in happy-hours and a no-free drink policy. After the interventions, serious assaults in Geelong declined to 63% of the comparison rate for other areas. In essence, the pub-hopping reduction initiatives removed large numbers of intoxicated men from the streets, which reduced opportunities for criminal behaviour. The NSW government recommends licensed premises adopt similar routine activity theory influenced initiatives to reduce criminal behaviour (NSW Crime Prevention Division, 2000).

Loukaitou-Sideris’ (1999) study of bus stop crime in Los Angeles between 1994 and 1998 provides another example of routine activities and offending. She reported that most serious bus stop crime occurred between 10:00 pm and midnight on a Friday and Saturday. Nine bus stops accounted for 12% of all bus stop nuisance crimes, seven had 11% of all assaults and 8% had all bus stop robberies in Los Angeles. A bus passenger was 20 to 30 times more likely to be victimised at these nine bus stops than at any other bus stop. High crime bus stops were situated in commercial areas at the intersection of multilane streets. They were unlikely to be visible from surrounding shops, lacked adequate lighting and public phones and were not near police stations. Eight bus stops were near
liquor stores in often derelict and forbidding environments. One of the worst sites had “bad neighbours”, such as a cheque cashing establishment, two bars, a liquor store, flophouse, two vacant buildings, alleys and vacant lots that provided opportunities for criminals to hide and escape. Another bus stop was characterised by purse snatching, with the criminals working in pairs to take advantage of crowding and to victimise those waiting at the stop or coming off the bus. These bus stops concentrated likely offenders and vulnerable victims in locations without guardianship, which resulted in increased crime. Initiatives such as re-siting bus stops away from crime hotspots, installing emergency telephones, video surveillance and police patrols could reduce the crime rate at bus stops.

Until recently, the situational crime prevention literature paid little attention to sexual offending (Wortley & Smallbone, 2006). Wortley and Smallbone in a number of collaborations (2000, 2001 and 2006) have explored sexual offending from situational crime prevention perspectives that has routine activity theory implications. In studies of 323 child sexual offenders, they found indication that situational factors were influential in the commissioning of many offences (2000, 2001). For example, sexual abusers’ average age of first sexual contact with children was 32.4, the age when they are assuming childcare and supervisor roles with children. Wortley’s (2002) work on sexual assaults in prison also reported on the role of situational factors. For example, sexual assaults were slightly lower where inmates were housed in single cells compared to dormitories. He recommended strategies such as single cell accommodation, eliminating blind spots and age-heterogeneous populations to reduce sexual assaults in prison.

Stoks (1982), cited in Goldstein (1994), provides strong supporting evidence for a routine activity explanation for rape. Successful rapes were most likely to occur where there were high levels of movement and predictability such as near sidewalks and paths (68.4%), alleys (12.2%) and stairwells (7.7%).

Socio-demographic factors describing rape offenders can be placed in a routine activity theory framework. As detailed in Section 2.4, rape offenders are young men, with about 80% are under the age of 30 (Burt, 1983) and the larger the pool of young men in their sexual prime, the higher the sexual assault rate (Baron et al., 1988). Stoil (1998) reported that the highest rape rate in the USA was in Pine Bluff Arkansas, a small town adjacent to a large military base, which presumably houses large numbers of single young males in barracks. In a similar fashion, the larger the pool of women, the higher the rape rate. O’Brien (1994) using USA Census data found that an overabundance of women leads to an increase in rape rates. In communities with low female population densities men are more likely to be protective towards wives and daughters.
Rape offenders also tend to be criminally versatile and to engage in all manner of criminal and anti-social behaviour (Simon, 2000; 1997; Smallbone, Davina, & Wortley, 2002). The removal of potential rape offenders from the community, such as those convicted of serial, sexual or serious crimes via incarcerations, offender treatment while incarcerated, closer police monitoring of sexual offenders and changing social attitudes may be responsible for the decline in the USA rape rate over the last decades (see Jones et al., 2001) The efficacy of three strikes legislation under which (serious) offenders are automatically incarcerated for lengthy periods is controversial and will be discussed in Section 3.4. Other routine activity theory related reasons for rape reductions include a decrease in the lawlessness associated with crack cocaine, a shrinking population of young people and an increased number of prisoners. Still other explanations for the decline include women are far more savvy in avoiding unsafe situations and that both boys and girls have been drilled at school to understand the rules of consent.

Other studies have also identified vulnerability factors that place women at greater risk of sexual assault, including exposure to high-risk situations and increasing the number of potential sexual predators during dating. For instance, the number of sexual partners a woman has increases the probability of rape (Belcastro, 1982; Bohmer & Parrot, 1993). Similarly, exposure to potential rape offenders through dating increases a woman’s probability of sexual assault (Bohmer & Parrot, 1993; Kiernan & Taylor, 1990). Other date-specific risk factors include whether the male paid for the date, if his car was used, the location of the date and type of activity, as well as the use of alcohol or illicit drugs (Anglin et al., 1997; Bohmer & Parrot, 1993; Conard & Blythe, 2003; Vicary, Klingaman, & Harkness, 1995). In addition, rape victimisation is not a random event that renders all women at equal risk. Younger women are at greater risk of sexual assault with victimisation being highest among young adults between the ages of 16 and 19 (Centre for Sex Offender Management, 1997; Dixon, 1991; Grossin et al., 2003; Salmelainen & Couarelos, 1993). To summarise, exposure to high-risk situations and potential offenders increases the probability of victimisation.

Lack of guardianship characterises rapes. Rapes almost invariably occur in unsurveilled locations, without witnesses or guardians present, for example, in residential locations or lonely rural areas (Omorodion, 1994; Wyre & Swift, 1990). The vast majority of rapes also only involve one victim and one offender (Moran, 1992) with no possibility of guardian intervention. Guardianship provided by marriage is also associated with lower probabilities of rape (Bang, 1993; Lindemann, 1984). Data from the Women’s Safety Survey (1996) indicated that four percent of women in married or de facto relationships experienced sexual or physical violence, compared to ten percent of respondents who were not in a relationship in the 12 months prior to the survey. Female college students living at home report lower levels of sexual assault than their counterparts living on campus (Buddie & Testa, 2005).
Other rape routine activity markers can be found in official statistics. Ploughman and Stensrud (1986) analysed official crime report data gathered from the Buffalo Police Department in 1975 to examine variations in rape victimisations. The results showed that victimisation is associated with victim routine activities. For instance, highly mobile women (working women, students, and younger women in general) are at a much greater risk than less mobile women. The study also reported that rape risk varies across locations within the city, and that non-white females are at greater risk of victimisation than white females. Leisure activities, such as dating and socialising, also increases risk through higher exposure between motivated offenders and victimisation targets (Koss, 2000). These risk factors are most likely associated with the victim’s SES. Women from lower SES backgrounds are more vulnerable to all types of violence including rape (Katz & Mazur, 1979; US National Criminal Justice Information and Statistics Service, 1974).

Cohen and Felson’s (1979) thesis that social disorganisation from the 1950s to the 1980s resulted in an increase in crime can be applied to sexual assaults. In a study that compared the prevalence of sexual assaults against women aged 18-34 years and women aged 55-89 years, Acierno et al., (2001) found that younger women reported a greater prevalence of assault than did older women during their youth. This indicated a real increase in the sexual assault rate over time. Date rapes have also increased significantly since the 1950s. Levine and Kanin (1987) argue that the widespread use of alcohol and drugs by young people of dating age has led to an increase in sexual assaults. In pre-second world war generations, women generally resided in the family home until marriage, protected them from assaults (Buddie & Testa, 2005) and dating practices were most likely carried out in the presence of chaperones.

3.2.2 Implications for Sexual Offending

Routine activity theory has significant implications for rape prevention. It provides a robust theoretical platform for rape prevention that does not rely on distal causative factors such as developmental biological, social, or psychological problems. Instead, interventions can be focussed on interrupting or suppressing the convergence of motivated offender, vulnerable victims, and deficiency in guardianship. A number of intervention strategies are suggested. Removing potential rape offenders from the community is one such strategy. It was noted previously that most rape offenders are versatile offenders and most incarcerated rape offenders have been imprisoned on a previous occasion. Increased penalties for serious non-sexual offenders and recidivist rape offenders diminish the likely offender pool through removal. However, increased penalties are unlikely to be effective with date rape offenders as juries are reluctant to convict where there has been a prior relationship or the penalty is believed to be out of proportion to the offence. Deoxyribonucleic acid
(DNA) testing of prisoners and sexual offenders may reduce the motivations of potential offenders because of increased probability of apprehension. Sexual offender registration is likely to have a similar effect. Prior criminal justice system exposure of many rape offenders provides opportunities for addressing offender motivations through rehabilitation courses like cognitive skills or sex offender programs.

Addressing (potential) victim vulnerability issues may reduce the prevalence of rape. It was argued in Section 2.5 that rape victimisation is not usually a random event. Vulnerabilities increasing the probability of rape include alcoholism, intoxication, physical and mental handicaps, childhood sexual abuse, mental illness, homelessness, and youth. Childhood sexual abuse was a major factor predicting subsequent adult victimisation. Educational courses that address these issues and raise awareness of potential re-victimisation could reduce vulnerability. Universities, other educational institutions, government, and private sector workplaces have also devoted considerable resources to sexual harassment and safe dating programs that act to reduce vulnerability. Sexual harassment mediation processes also allow potentially dangerous sexual activities to be addressed by mediation in their early stages. These relatively informal remedial channels provide avenues that women might also be more comfortable using than by involving the police.

Rape is usually committed in the absence of surveillance or witnesses, excepting group rape, which is relatively rare (Moran, 1992). Close circuit television (CCTV) in inner city nightclub districts, compulsory DNA testing of sexual offenders and extended community supervision programs exercise guardianship roles. Cornish and Clarke’s (2003) techniques of situational crime prevention include extended guardianship as a crime prevention strategy and includes practices such as going out in groups and taking a mobile phone. Routine activity theory practices have also found their way into sexual offender treatment via relapse prevention strategies that help offenders identify and cope with high-risk situations (Laws, 1999). Rape offenders would typically be advised not to drive around aimlessly or to pick up female hitchhikers and to avoid pornography and strip bars (Ellis-Smith, 1995).

### 3.3 Rational Choice Perspective on Offending

Rational choice is the second major theory underpinning situational crime prevention. Rational choice is premised on criminal behaviour being volitional and criminals perform a rudimentary cost benefit analysis before offending (Cornish & Clarke, 1986). The pre-offending cost benefit analysis focuses on potential rewards and negative consequences flowing from the contemplated actions. The rewards are offender-specific and subjective but include outcomes traditionally associated with criminal behaviour such as money, sex, status, or drugs. Negative factors might include risks such as
apprehension probabilities, imprisonment, or effort required to complete the behaviour. When the perceived benefits outweigh the perceived costs, offending is likely. For Indermaur (1999) an underlying factor is one where short-term rewards outweigh long-term negative consequences. For example, Shover and Honaker (1992) argue that some property offenders are “party animals”, and the long-term consequences of being apprehended are not a major consideration – “live now because you don't know what the future can hold”. In the light of conviction statistics for burglars, this risk assessment is rational; the overwhelming majority of burglars are never apprehended (Prenzler & Townsley, 1996). Similarly, Lievore (2003), using Australian statistics, calculated that of the 14.9% sexual assault offences reported to police, only 1.4% proceed to court. For rape offenders the probability of apprehension remains low. Rational choice theory holds that individuals offend volitionally, not because of uncontrollable drives or urges that are sometimes posited as causes of rape (Beech, Fisher & Ward, 2005; Heath & Davidson, 1988). Although, free will is assumed, Clarke and Cornish (1986) acknowledged that certain background and situational factors might predispose people towards crime. These factors include intelligence, upbringing and personality, peer pressure, drug dependency and the target vulnerability.

While rational choice theory argues that criminal behaviour is preceded by a rudimentary assessment, it does not imply decisions have to be objectively logical (Clarke, Brantingham, Brantingham, Eck & Felson, 1999; Gilling, 1997). Instead, offenders’ subjective assessment of situations at the time of offending is held crucial. In other words, rationality is understood as qualified or bounded by the offender’s subjective assessment of the situation at that instance. These assessments are generally made in the absence of full information, without thinking through the consequences or risks involved. Nevertheless, the decision to offend is perceived as volitional, based on an offender’s assessment of the situation, and subjectively thought to be the best option. Rational choice theory does not deny the existence of irrationality and pathological elements in some crimes but maintains that most crime is purposive (Clarke, 1999). Cornish and Clarke (1986) articulated rational choice into series of opportunity-reduction interventions with three dimensions consisting of increasing the efforts, increasing the risks, and reducing the rewards of crime. The underlying aim of the interventions was to change the cost-benefit ratio associated with offending as understood by the potential offender. These interventions were mostly based on the assumption that the immediate environment significantly influenced the offending decision-making process. These techniques focused on reducing the opportunity structure of offending through techniques such as target hardening, controlling access to facilities and enhanced surveillance. For example, target-hardening strategies reduce criminal opportunities by obstructing the criminal by physical barriers using locks, safes, screens, or reinforced materials. The techniques of situational crime prevention were enhanced with the addition of a fourth dimension that aimed to reduce moral neutralisations used by offenders to minimise, justify or rationalise their offences (Clarke & Homel, 1997; Cornish & Clarke, 1986).
Following Wortley’s (1996; 2001) concerns, a fifth dimension was added by Cornish and Clarke (2003) (discussed in later in the chapter).

3.3.1 Empirical Support for Rational Choice Theory

There is a considerable body of literature attesting to the utility of situational crime prevention interventions (based on rational choice) in successfully addressing a wide variety of offences, ranging from graffiti (Gant & Grabosky, 2000; Graycar, 2003), bank robbery (Felson & Clarke, 1998), hijackings (Dugan, Lafree & Piquero, 2005) and white-collar crimes (Pease, 1994). Support for the rationality of rape offenders is readily available in the literature. Rape offenders overwhelmingly victimise younger and presumably attractive women (DeJong, 1999). In addition, the literature review sections relating to victim vulnerability, such as dating, physical and mental disabilities, intoxication or previous victimisation are germane to the rationality of rape offenders (see Section 2.5). In summary, rape offenders tend to victimise vulnerable women, in situations without guardians or witnesses. This suggests they exhibit rationality in their victim choice and offending.

In addition, the overwhelming majority of rape offenders are not mentally ill at the time of their offences (Fazel, Sjostedt, Langstrom, & Grann, 2006). While they might have relatively high diagnoses of personality disorders and alcohol abuse (Marshall & Barabee, 1989; Simon, 2000), their reasoning and decision-making capabilities are not affected to the degree to excuse culpability (Scully & Marolla, 1984). Nor, are they overcome by powerful and uncontrollable sexual urges that impel them to offend (Allison & Wrightsman, 1993; Beyer, Higgins & Bromfield, 2005). Again, these factors suggest rape offenders are rational in their criminal decision-making.

3.3.2 Implications for Sexual Offending

Rational choice offers exciting new avenues for rape prevention. Generally, the rape literature has viewed the offence as having psychopathological (Jenkins, 1997; Wyre and Swift, 1990) or socio-cultural origins (Scutt, 1990). These assumptions have acted to limit preventative approaches to those that primarily address individual criminogenic drivers and a variety of social and legal initiatives. Underlying these approaches is the notion that rape is a special offence requiring different prevention strategies than those used for non-sexual offences (Hanson & Bussiere, 1998). Bynum, Carter, Matson, and Onley (2001) have argued that although sex offenders may commit other types of crimes, other types of offenders rarely commit sex offences and different sets of factors may be associated with sexual offender recidivism than for the general population of offenders. Conversely, most, but not all, preventative approaches have relied on post-offence activities such as offender treatment, women’s refuges, victim counselling and changes to court procedures (Abel & Rouleau, 1995;
Foubert, 2000). However, there is no reason to regard rape as an offence that must be addressed reactively. In this regard addressing the rational choice aspects of the offenders’ decision-making processes can prevent offences. Interventions such as those published by Cornish and Clarke (2003) should be applicable to rape offenders.

3.4 Criticism of Situational Models of Crime

3.4.1 Criticisms and Refinements of Routine Activity

Four main criticisms of routine activity theory have emerged from the literature. Firstly, routine activity theory cannot account for the causes of rape. Schwartz and Pitt (1995) examined routine activity theory approaches to sexual assault on North American campuses. They generally agreed with the motivated offender, vulnerable victims and lack of guardians hypothesis but argued the framework cannot explain the large numbers of motivated offenders. They assessed routine activity theory as theoretically “somewhat sterile” and argued that feminist theory offers a better explanation. According to Schwartz and Pitt, sexual assaults will not be eradicated without major social, economic, and legal changes that address gender inequalities. Another related criticism of situational theories, especially in regard to sexual offences, is failure to take into account macro-theories on power relationships between the sexes (Australian Institute of Criminology 2000; Schwartz and DeKeseredy 1997). Gilling (1997) claimed that situational interventions may work with certain types of high visibility property crimes, but are not applicable to other types of crime or certain categories of offenders, such as crimes of violence characterised by more deeply seated motives that are less easy to manipulate, are not static or predictable in occurrence, and occur in the home.

Situational theories of crime do not deny the role of power or psychological structures in relationships but opportunity is the root cause of crime (Felson & Clarke, 1998). Indeed, the situational perspective is premised upon a person-situation interaction. Cornish and Clarke (2003), in their updated situational crime prevention interventions addressed some of these concerns by techniques that reduce frustration and stress, avoid disputes, reduce emotional arousal and alert conscience. Crime is less predicted by the characteristics of offenders than by the temporal and spatial distributions of people and situations (Gottfredson & Hirschi, 1990). Rational choice theory (discussed later in this chapter) has the intention of building a bridge between situations and dispositions (Gilling, 1997).

Another way of responding to this criticism draws on Ekblom’s (1994, 1999) concept of proximal and distal causes of crime. Essentially, he argued that both factors can be invoked to explain the cause of crime, for example, drug abuse may have both distal and proximal factors associated with its onset.
Distal factors might include physiological attributes, early learning, family attitudes to substance abuse, while the immediate or proximal causes may involve access to drugs, peer pressure, drug focused lifestyles, and transitory emotional factors like anger. All of these factors may combine in complex ways to cause substance abuse. Similarly, the causes of rape may also involve distal and proximal factors. Sex offender treatment programs focus on deeper rooted and long internalised attitudes to women, cognitive distortions, and false information laid down in childhood or adolescence. The proximal cause of rape may involve access to vulnerable victims, opportunities to rape, and/or perpetrator intoxication. Ekbлом (1994) also noted that the closer the problem, the more direct or pointed the interventions must be. Situational interventions generally focus on the proximal rather than the distal causes. This focus on proximal factors with powerful situational interventions should not be construed as denying the psychological, social, cultural or gendered aspects of rape’s antecedents or implying that power imbalances between the sexes are irrelevant for prevention purposes. As Felson (2002, p. 35) said: “Offenders are but one element in a crime, probably not even the most important. Predatory crime needs targets with guardians absent”. Felson and Clarke (1998, p. v) also stated, “…opportunity is a root cause of crime”.

While offender motivation is important in offending, routine activity theory seeks to explain convergence and not dispositional factors. There is also no strong evidence that removing gender inequalities reduces rape – in Section 2.6 it was shown that (patriarchal) Japan had a rape rate of 2.4, compared to the USA’s 34.5 per 100,000. Nevertheless, Schwartz and Pitt’s research does in general terms support a routine activity theory of sexual assault, although their argument that routine activity theory needs to be augmented with feminist rape theories is not necessary from a theoretical perspective.

The second criticism of routine activity theory as it relates to sexual offending is that women are blamed for their victimisations and become responsible for its prevention (McCaul, Veltum, Boyechko, & Crawford, 1990; Richardson & Campbell, 1982; Wiehe & Richards, 1995). Feminists have argued that offending in general and sexual offences in particular are gendered crimes with males responsible for the overwhelming majority of crime (Edwards, 2002). The implementation of prevention techniques based on routine activity theory works is perceived as restricting women’s freedom (Gordon and Riger, 1989; Gordon, Riger, le Bailly & Heath, 1980). Women are discouraged from undertaking “risky” behaviour like using public transport after dark and seeking the protection of a male guardian (Schwartz & Pitt, 1995). However, manipulating environmental and other factors to reduce crime is gender neutral. In addition, reducing victimisation by alerting women to the higher risk of re-victimisation where childhood sexual abuse occurred is sensible. Awareness of danger can allow potential victims to avoid them.
A third criticism, displacement, is usually presented, but will not be dealt with at length as it has generally been shown to be less significant than is often assumed (see Town, 2003 for a review). Displacement theory essentially argues that restrictions in one area are redistributed to another in a “hydraulic” fashion (Clark & Cornish, 1983). In other words, the crime is not prevented only displaced. Displacement has been generally shown to be less than the amount of crime prevented through situational interventions (Clarke, 1989; Clarke, 1992; Clarke & Felson, 1998; Cornish & Clarke, 1986). It is also unlikely to occur in date/acquaintance/marital offences, but a serial predator might hunt for victims if thwarted. There is a dearth of research on displacement behaviour in rape but – based on the experience of other types of crimes, including child sexual offences – it is not expected to feature significantly in the *modus operandi* of rape offenders. Wortley and Smallbone (2006) in their study of child sexual offenders maintained that predatory offenders will be the most difficult to deter, but because of the moral ambivalence of the opportunistic offender, reducing temptations can be very effective in preventing abuse, with minimal danger of displacement to other targets. Displacement rarely, if ever, attains 100% in non-sexual offences (Eck 1993, Hesseling 1994), so there are some grounds for believing that it will not occur in rape. The propitious circumstance required for rape such as a vulnerable victim and lack of guardianship are unlikely convergences, even for a motivated offender, although some serial rape offenders may displace their offences. Thus, the *modus operandi* of rape offenders, for example their victim selection processes provide some support for the notion that displacement will not feature as a significant element in their offending.

A fourth criticism relates to Felson’s (2006) contention that locking up criminals reduces the pool of potential offenders is controversial. Most of the controversy has centred on the three strikes law (principally a USA phenomenon) which invokes an extended sentence (often life in prison) following three instances of conviction of sufficiently severe crimes. The laws vary widely across American states in terms of the definition of “strike”, the conditions under which the sanctions of the law may be triggered, and the severity of the sanctions. In most states, the laws are narrow, targeting a specific group of particularly dangerous repeat offenders (Everingham et al., 1988). In their major study of the effect of the legislation, Everingham et al., (1988) reported that states with three-strike laws do not appear to have experienced faster declines in crime since those laws were implemented than have states without such laws. Neither have three-strikes states experienced a greater increase in incarceration rates. Thus, the notion that three-strike legislation is responsible for the reduction in the rape rate is controversial. Other recent analyses of three-strike type legislations have reported untoward effects. For example, with regard to homicide, Marvell and Moody (2001) reported that three-strike legislation states in the USA had 10 to 12 percent increases in homicide compared to states that did not. Greenwood et al., (1998) in another major study of the legislation reported that states with three-strike laws do not appear to have experienced faster declines in crime since those
laws were implemented than have states without such laws. Neither have three-strikes states experienced a greater increase in incarceration rates. While it may be too early to determine the efficacy of three strike type legislation in reducing the rape rate or crime in general, there is a growing body of quality research indicating a failure to produce a reduction in crime.

Related to the criticisms of the three strikes legislation in reducing crime is the idea that locking up a relatively small pool of career criminals is responsible for the precipitous drop in rapes recorded over the last few decades. To be sure, career criminals, or men with pronounced criminal dispositions, account for a significant proportion of all rapes, perhaps 12-15% of them (discussed in Section 2.3.4). However, the overall decrease in rapes must be accounted for within the non-forensic male population, that is, rapes committed by “normal” men. At the time of writing, no definitive conclusions had been reached in the rape literature regarding its decline over the last few decades. However, there have also been declines of a somewhat similar magnitude in child sexual abuse and murder rates over the same period. For example, in the U.S., there has been a 21% decrease in homicide since 1993, a 31% reduction in child sexual abuse and a 60% decline in the rape rate since 1991 (Jones et al., 2001). These studies are likely to describe some of the reasons for the fall in the rape rate. In the absence of similar authoritative publications for rape, they will be examined briefly for the insights they can provide for rape’s decline.

Jones et al., (2001) have advanced two possible explanations for the downward trend in the child sexual abuse rate. Either the decline has been real or it is simply not being reported as frequently (i.e., less vigilance). If the decline reflects a real drop in its true incidence, they contend it could be for the following reasons:

- A great deal of public awareness has developed in the past 20 years about child sexual abuse;
- Prevention programs that target children are widespread;
- A large number of offenders have been incarcerated;
- There have been intensified efforts to report and prosecute offenders;
- Offenders receive treatment while incarcerated;
- There has been increased monitoring of sexual offenders; and
- Improved economic conditions (i.e., more jobs) also alleviate despair, reduce the free time of potential perpetrators and gives them a stake in conformity.

On the other hand, the apparent decline in child sexual abuse might also be an artefact of reduced reporting. Jones et al., (2001) postulated this could be a result of an increased reluctance to report abuse because of a backlash in response to a view that false allegations are frequent, or that the public and professionals are now less vigilant about reporting child sexual abuse. Which of these factors, or combination of factors, may be contributing to reduce the prevalence of child sexual abuse remains unclear. However, many of the same issues also apply in the case of adult rape.
The murder rate is also dropping. Dugan and her collaborators have investigated declines in homicide involving intimate partners. From 1976 to 1996, the intimate partner homicide rate dropped from about 1.3 to 0.9 victims per 100,000, a decline of about 30% (Dugan et al., 2003). Their research was premised on exposure reduction, that is, the hypothesis that shortening the time violent intimates are exposed to one another would reduce the probability of homicide. Their research has produced mixed results, with findings generally supporting the notion that exposure reduction is associated with homicide declines in most but not all cases. For example, willingness to prosecute protection order violations is associated with increases in the homicide rate for white females, both married and unmarried, and for Afro-American unmarried males. In an earlier study, Dugan et al., (1999) argued the greater the marriage rate, the higher the rates of both husband and wife perpetrated homicide. Conversely, higher divorce rates are associated with a reduction in the rate which wives kill their husbands. Presumably, this is because women leave dysfunctional relationships before they become lethal. Improvements in women’s economic status are most likely a factor in the decision to leave a violent relationship.

The reasons for the decline in murders are also likely to be shared with rape. As with murder, exposure reduction techniques such as higher divorce rates and falling marriage rates, decreases some women’s contact with potentially sexually violent men. Similarly, women’s improved economic status, a generally robust economy that provides the financial wherewithal for women to leave violent relationships contributes to the decline. In addition, community educational programs about rape, hot-lines, women’s refuges, changes to police investigation procedures that are victim friendly, and similar types of initiatives over the last few decades have contributed to the declines in rape.

As mentioned above, no definitive conclusions have been reached in the rape literature about the declining rape rate and there is a dearth of research on its occurrence. However, a number of explanations seem plausible. Educational programs may also have changed attitudes on how people think about sexual assault. Women have been taught to avoid unsafe places and boys and girls have been drilled to understand the rules of consent. These explanations must for now remain speculative. What is certain is that the precipitous decline in rapes cannot be fully accounted for by the incapacitation of career offenders. Most rapes are committed by men known to the victim who never come to the attention of the criminal justice system.

In summary, it appears that the some of the factors driving declines in spousal-intimate homicide and child sexual abuse are also contributing to a reduced rape rate. At the time of writing it has not been determined with any certainty the reasons for the fall but the fact that declines of somewhat similar magnitudes are occurring across the three offence types provides strong support for the notion that the
declines are real and not artefacts of reduced reporting or vigilance. It is also noteworthy that many of the factors claimed as contributing to the decline in these crimes have situational crime prevention antecedents (e.g., treatment for offenders, increased monitoring, victim and perpetrator removal, and longer prison sentences).

3.4.2 Criticism of Rational Choice

The extent to which severely intoxicated or emotionally aroused offenders can make rational choices may be contentious (Australian Institute of Criminology, 2000; NSW Crime Prevention Division, 2000). Although, the criticism is partly addressed by the limited rationality concept presented by Cornish and Clarke (1986), it begs the question, to what extent can severely intoxicated offenders engage in the cognitive processes required for rational choice? In their review of the literature regarding the seemingly irrational drunken acts of the offender, Assaad and Exum (2002) concluded drunken violence could be explained from a rational choice perspective. While intoxicated, individuals were more likely to attend to salient, provocative cues in the environment. Many experienced little anxiety or fear that inhibits risky behaviour. They were also less likely to recognize the implications and costs associated with their aggressive behaviour. Therefore, with apparently few perceived risks associated with violence, physical aggression can in fact be seen as rational and opportune choice to the intoxicated offender. In addition, and as discussed in “Location” (Section 2.6), the choice of offence location has the hallmarks of rationality in terms of surveillance and interruptions.

Another criticism of situational models of crime relates to their perceived restricted applicability to crimes characterised by deeply seated motives and committed in private such as sexual or domestic violence crimes (Australian Institute of Criminology, 2000). Sexual offences, for example, are often interpreted as having their genesis in deep-seated deviancy motives, and according to these criticisms should prove relatively immune from situational interventions (Henn, Herjanic, & Vanderpearl, 1976). However, a cursory analysis of victim demographics, locations and times of rapes indicate that rape offenders must undertake a cost/benefit analyses before offending (see Section 2.6) and this indicates that situational factors are considered by offenders. Furthermore, situational crime prevention has not been applied to sexual offences until quite recently but promising strategies are emerging (see Wortley & Smallbone, 2006). In addition, it has been successfully applied to a range of crimes characterised by deep-seated motives such as sexual assaults (Andrew, 1995) or obscene telephone calls (Siegel, 2005). There is no valid reason to pre-suppose that sexual offences are immune to environmental or other situational manipulations.
Rational choice has also been criticised for its assumption that people who are contemplating a crime go through a rational process of planning the act and weighing up the consequences. Mendel (1995) argued that despite California’s dramatic rise in the incarceration rate between 1980 and 1992, a quadrupling of its prison population and “Three-Strike” legislation, its crime rate did not decline in absolute or relative terms compared to other states. However, there are some indications that rapes in the USA have recently declined because of stricter incarceration policies, which removed serious offenders from the community. There has been a similar decline in child sexual abuse rates over the same period and for reasons that might be applicable to rape. Jones, et al., (2001) have postulated that increased public awareness of child sexual abuse, widespread prevention programs, the incarceration of a large number of child sexual offenders, intensified prosecutions of offenders, the treatment for offenders while incarcerated, and increased monitoring of sexual offenders by the police are responsible for the decline (discussed in Section 3.4.1). The rape rate declined from 2.5 victimisations per 1,000 population aged 12 and over to 0.4 in 2004. The total violent crime rate also declined in the same period from 47.7 to 21.1 per 1,000. Historically, this trend was already evident in 1995 with rape, robbery, aggravated assault and murder at or near a 23-year low (Rand, Lynch & Cantor, 1997). Catalano (2005) calculated there had been a 28% drop in the rape rate between 2001/02 and 2003/04. The reasons for this decline are still unclear but the explanations offered by Jones et al., (2001) are the most likely causes. In addition, changing demographics and community attitudinal changes about sexual harassment, abuse and rape, safe dating practices, violence protection orders, women’s improving economic status may have also contributed to the decline. While harsher incarceration policies remove potential rapists from the community, most of the decline must be attributed to lower rape rates among the non-forensic populations.

3.4.3 Wortley’s Two-Stage Model

The understanding of opportunity in offending was criticised by Wortley (1997; 2001). Specifically, he criticised the opportunity reduction emphasis implied in Cornish and Clarke’s (1997) classification of situational crime prevention techniques. In essence, situational crime prevention argued that situational factors were unlikely to motivate the unmotivated to offend, but instead influence the decision of the committed to offend. Wortley’s criticism centred on the relatively simplistic manner in which the person-situation interaction was presented in rational choice theory. He argued that situations themselves were capable of actively bringing on or precipitating behaviour, independent of any cost-benefit analysis and/or opportunities provided by the physical environment. His theory contrasts with the opportunity reduction approaches to crime prevention that implied a motivated or at least ambivalent offender whose decision-making is informed by environmental considerations. Wortley argued that controlling crime precipitators is just as important as controlling opportunity. His argument, that offenders may not be motivated before the offence dilutes a situational crime
prevention core assumption of a readied offender. His arguments also conflicted with the involvement decision that is supposed to take place before the offence, not in immediate proximity (van der Schoot, 2006).

By way of example, some individuals can become aggressive simply on sighting a police officer wearing a gun (Berkowitz & LePage, 1967). Behaviours, such as the ‘weapon’s effect’, were not adequately addressed or explainable within the current rational choice framework and required a complementary perspective to help explain behaviour that the offender would not have otherwise considered. To this end, Wortley (2001) identifies four types of precipitators: 1.) prompts; 2.) pressures; 3.) permissions; and 4.) provocations, each of which could supply motivation for an unmotivated offender. First, situations may cue or prompt behaviour. For example, clinical psychologists have found the removal of eliciting stimuli from the immediate environment is one way to control aberrant behaviour. Relapse prevention strategies used in the treatment of sexual offenders always include situations or activities that should be avoided, such as aimless driving by rape offenders or topless bars. Exposure to these environments may induce the offending cycle. Second, Wortley (1998) argues that humans are social animals and are strongly influenced by the expectations of those around them and may be pressured into criminal behaviour. A football club member may be induced to participate in a group rape in order to maintain the respect of team members. Third, some situations permit criminal behaviour though disinhibition or anonymity. Rape in wartime where there is little possibility of sanctions is a typical example of situations that permit. Finally, situations can also provoke criminal behaviour through environmental stress, climate, and crowding.

Wortley (1998) also proposed a two-stage model for conceptualising the relationship between precipitating influences and opportunities. The model can be understood not so much as a competing approach, but as one directed at different stages of the person-situation interaction. His model proposes four strategies for controlling situational precipitators of crime, controlling prompts, controlling pressure, reducing permissibility and reducing provocations.
In cases where precipitators have a subtle effect on behaviour and are merely enticing or provoking, then misbehaviour becomes subject to a cost-benefit analysis. The model proposes that these forms of misbehaviour can be controlled by a range of regulators aimed at reducing the opportunities for misbehaviour, for example, by increasing the risk of apprehension, the effort required to effect the crime, and by reducing anticipated rewards of offending. The first three goals are same as situational crime prevention in Clarke (1997) and Cornish and Clarke (2003); increasing effort, increasing risk and reducing rewards.

Wortley’s (2002) model proposes that only some misbehaviour will be displaced. Misbehaviour caused by precipitators in the environment will not be displaced, such as, assaults in prisons caused by excessively loud TV noise. If environmental factors precipitate the assault, it will not be displaced. Strategies to stop this might include rule-setting about the playing of loud music but opportunity reduction strategies may not prove as effective or may even be counter-productive in these situations. There are two loops in the model. In the first loop (from precipitation control) over-control of precipitators may preclude the use of opportunity-reduction strategies and lead to the offence being committed. The second loop relates to the over-control at the opportunity reduction stage may also be counterproductive and feedback to increase pressures on behaviour. By way of example, Wortley (2002) indicated that in a prison environment, too many restrictions on behaviour might lead to
frustration, resulting in increased levels of violence. On the other hand, reducing excessive restrictions can lead to loss of institutional control.

3.4.4 A Situational Typology of Offending

While situational crime prevention generally applies its technology to unidentified offenders, there is still a danger in ignoring assumptions about the nature of individual offenders. In an attempt to bridge the gap between dispositional and situational factors in offending, Cornish and Clarke (2003) developed an offender typology. They identified three types of offenders based on their readiness to offend. Their offender typology grew out of the expansion of situational crime prevention practice and theory, and the range of crimes and types of offenders it was addressing. The first type of offender in the typology is the anti-social predator. This offender is characterised as a career criminal with a strongly entrenched and anti-social attitude. They may be skilled criminals whose readiness to offend can be assumed, and it may have habituated into a standing decision. Second, the mundane or opportunistic offender is a more ambiguous figure and is characterised as opportunistic in his criminal behaviour. These persons offend or misbehave if circumstances are propitious. They normally commit less serious types of offences where there may be some moral ambiguity about the activity. Mundane offenders usually have a stake in society and are normally less persistent than anti-social predators. Their readiness to offend is provisional, and they offend because they can but after being freed from moral constraints for the occasion. The third type of offender is the provoked or situational offender. They are characterised as a reactive offender who offends impulsively, after being exposed to situational precipitators. Cornish and Clarke (2003) maintain the anti-social predator is the “default offender” from the perspective of rational choice.
A summary of the offender typology and their readiness to offend is found in Table 3.1.

### Table 3.1: Cornish and Clarke’s (2003) Typology of Offenders

<table>
<thead>
<tr>
<th>Offender</th>
<th>Readiness to offend</th>
<th>Response situation</th>
<th>Appropriate situational crime prevention technique</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anti-social predator</td>
<td>Ready</td>
<td>Manipulates</td>
<td>Increase the effort</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Increase risks</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reducing rewards</td>
</tr>
<tr>
<td>Opportunistic</td>
<td>Receptive</td>
<td>Exploits</td>
<td>Increasing effort</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Increasing risks</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reducing rewards</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Removing excuses</td>
</tr>
<tr>
<td>Situational</td>
<td>Not ready</td>
<td>React to</td>
<td>Increasing the effort</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Increasing risks</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reducing rewards</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Removing excuses</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reducing provocations</td>
</tr>
</tbody>
</table>

Source: Allard (2005)

Wortley and Smallbone (2006) redefined Cornish and Clarke’s (2003) offender definitions to make them more suitable for use with sexual offenders. For example, “mundane offenders” did not sit well with child sexual offenders. Their preferred terminology was 1.) Anti-social predator; 2.) Opportunistic; and 3.) Situational offenders. They used this typology in their investigation of child sexual offenders (Wortley & Smallbone, 2006). Because their typology proved robust and useful in describing child sexual offenders it can be applied to rape offenders. For example, predators represent the stereotypical stranger or serial rapist. They enjoy rape, seek it out, and may be preferentially aroused by it. They are usually, but not always, stranger rape offenders and may be opportunists as their *modus operandi* may require experience in break and enters to access victims and assaults to subdue them. They will hunt for victims and be alert to rape opportunities such as picking up hitchhikers. Based on the number of stranger rape offenders, anti-social predators probably account for about 12% of rape offenders (Fischhoff et al., 1987). The number of anti-social predator type rape offenders is probably higher as some other types of rapes such as acquaintance, date, or acquaintance are most likely committed by this type of offender and it may even be part of their *modus operandi* to target these types of victims. Non-stranger rapes are rarely reported to the police (Beebe, Gulledge,
Lee, & Replogle, 1994; Brickman & Briere, 1984; Collings, 1994; Finkelson & Oswalt, 1995) making it difficult to estimate the number of anti-social predator rape offenders. However, Malamuth (1981) estimated that 35% of male college students would rape if there were no probability of apprehension; there may be a potentially large pool of these offenders in the community. Wortley and Smallbone (2006) noted that offenders are not restricted to one category of offending. They noted there was a “downward (but generally not upward) flow of offenders from higher to lower situational categories”. For example, anti-social predators may commit opportunistic and situational offences, if circumstances permit but offending does not usually escalate (i.e., situational offenders do not normally commit predatory offences).

The opportunistic rape offender is represented by the sexually indiscriminate perpetrator, who seizes opportunities if and when they present. They can be described as “tri-sexual”, implying they might pursue sex with adults, spouse swapping, adults and children (Douglas and Olshaken, 2007). Wortley and Smallbone (2006) also argued that opportunistic child sex offenders are usually not preferential paedophiles, but will sexually abuse both child and adult victims depending upon opportunity. Likewise, most opportunistic adult-rape offenders would most likely offend against adult female victims encountered in dating, acquaintance, employment situations, or perhaps during the course of a crime such as a burglary where a potential victim is encountered. In control theory terms, these offenders are defined by an absence of restraint of sexual impulses rather than by the presence irresistible, deviant sexual urges (Gottfredson & Hirschi, 1990). The opportunistic offender may commit offences in any context with known or unknown victims. They are frequently non-persistent offenders and the rape is unlikely to be their first offence. They are commonly versatile offenders who commit a range of other types of crimes. In the context of child sexual offenders, Wortley and Smallbone (2006) perceive this type of criminal as having similar motives to predatory offenders, but having a greater stake in conformity and are therefore subject to stronger personal and social constraints on their behaviour. These constraints, however, weaken from time to time and an offence is possible given the right circumstances for the offender. A common scenario for this type might be the perpetrator meeting a woman in a bar, they later kiss and fondle back at her apartment, he wants sex, she is unwilling but he forces the situation and rapes her. Similarly, it may also involve cases where an offender takes advantage of a very intoxicated person who is unable to defend herself against him.

The situational offender reacts to transient or difficult circumstances and frequently committed in the heat of passion. A typical case might occur in a marital setting. They could also be accounted for some rapes occurring in the context of extreme marital disputes or where the perpetrator gives into temptation or where the rape is committed under the influence of strong emotions. These types of
offender would normally be a contributing member of society and well thought of by friends and family. He is unlikely to have any criminal convictions.

The main benefit in providing offender typologies according to Cornish and Clarke (2003) is that it provides the opportunity for targeting different types of situational interventions for different types of offenders. Until recently situational crime prevention interventions usually adopted a one-size fits all approach with little regard to the different types of offenders. The typology bridges the gap between person centred and situational factors. From the perspective of rape and sexual offence research, it provides an additional typology for classifying offenders that is not based on dispositional factors.

It could be anticipated that stranger offenders will be more frequently classified as anti-social predators. They will hunt for victims and be alert to rape opportunities. It could also be anticipated that these offenders will be more comfortable with the use of violence to secure victim cooperation and have a more serious criminal history. Conversely, non-stranger offenders should be drawn from the ranks of the opportunistic and situational offenders based on their modus operandi. Because they know their victims, they will have greater opportunities for selecting a time and a place for the offence.

3.5 Summary, Conclusions and Overview of Current Strategy

This chapter has provided an overview of situational models of crime, its major elements (specifically routine activity theory and rational choice) and their articulation into practical prevention techniques. Rational choice theory helps identify the specific variables that encourage offenders to take advantage of opportunities. Routine activity theory explains how social change, lifestyle and employment patterns create opportunities for significantly more crime (Cornish & Clarke, 2003). Also covered in the chapter were recent developments, including the application of a situational perspective to sexual offending, a hereto neglected area, and theoretical reformulations focusing on offender typologies. Taken together these developments provide an updated approach for understanding sexual offences such as rape. It was argued in the previous chapter that sexual offending and rape were perceived as special offences with an implication that they were immune to situational interventions. Evidence was presented that rape could be fitted, at least from a theoretical perspective into a situational framework. There are also good reasons to believe that situational interventions will also have practical applications in rape prevention, as evidenced by the preliminary work of Wortley and his collaborators (2000; 2001; 2004; 2006) with child sexual offenders. However, the effectiveness of situational interventions with sexual offenders still rests on studies that are post hoc and descriptive (Pease, 1997). The promise of situational interventions and rape requires further study but it does hold the promise of reducing its prevalence.
The literature on situational crime prevention, especially on routine activity theory and rational choice were reviewed, including the applicability of situational factors to rape and sexual assault. The findings include that rape may be fitted to a routine activity framework, in terms of motivation of offenders, victim vulnerability and an absence of guardianship. The review also noted that situational explanations of sexual offending were rare until the recent work by Wortley and Smallbone (2001; 2004; 2006) on child sexual abuse. However, there is still a dearth of studies on the situational factors influencing rape. Rapes are associated with the socialisation and interaction patterns of young men and women, especially in situations where alcohol is available. Recent findings that the rape rate has declined from 2.5 to 0.4 per 1,000 between 1973 to 2004 have been attributed to the removal of motivated and serious offenders from the community (Bureau of Justice Statistics, 2006). It was also found that rape was not a random event that was equally visited on all women. Younger age, handicaps, the number of dates and childhood sexual abuse were some of the factors that rendered a woman at greater risk of being sexually assaulted. The lack of guardianship also characterised rapes, with most offences occurring in locations where the perpetrator would not be disturbed. The routine activities of women also rendered them at greater risk of rape by exposing them to larger numbers of motivated men, for example on university campuses. Women who drank more in bars reported high rape rates. The daily activities of men and women were found to be associated with rape and the routine activity framework could be fitted to rape.

The literature review on rational choice revealed that sexual offenders are usually rational in their decision-making processes. Vulnerable women, the young, the single are the most victimised – these women are in all likelihood less likely to charge men with rape, or have a court case decided in their favour if they prosecute. Juries also seem reluctant to convict men charged with date rape or where a prior relationship exists. Juries also seem prejudiced against women who are perceived guilty of contributing to the sexual assault though “misbehaviour” such as being intoxicated. Victim selection bears the hallmarks of rationality. Rape victims are not usually physically injured beyond the violence of the act itself. The most popular defence for rape is consensuality (Easteal, 1992; Legislative Review Committee - South Australian Parliament) and by injuring victims, offenders increase the probability of conviction. Rape offenders also exhibit rationality in choosing the offence location, almost invariably it is one characterised by lack of surveillance or witnesses. The decision-making processes of rape offenders is rational, there is every indication that they weigh the pros and cons of committing the offence beforehand.

Also reviewed in this chapter was Wortley’s (2001) Precipitators of Crime Model. Wortley’s (2001) criticism centred the opportunity structure of offending in situational models of crime. Hereto, it was accepted that situations did not have a role in motivating offending. Wortley (2001) argued that
situations could induce offending through prompting, pressures, providing permission and by provocation. These factors, then, could induce offending in the unmotivated. Wortley (1998) also proposed a two-stage model of offending which suggested that softer prevention techniques could be employed against the less strongly committed or motivated offenders. For example, date rape offenders might be deterred though educational programs, while serial rape offenders may only be deterred by traditional situational measures such as techniques that increase the risks. Following Wortley’s (1997) criticism of the opportunity, structure of offending, Cornish and Clarke (2003) incorporated his suggestions into a revised table of 25 situational crime prevention techniques.

Cornish and Clarke’s (2003) typology of offenders was examined next. This typology consists of three types of offenders; the anti-social predator, the opportunistic and the situational offender. This typology of offenders is applicable to rape offenders and by implication to rape prevention. Methods used to deter anti-social predators would differ from those used against marital or acquaintance rape offenders.

Situational crime models provide a robust platform for understanding and preventing rape. The offender typology, 25-techniques for situational prevention and precipitators of crime enhance its theoretical base and provide the flexibility for investigating rape and rape offenders. In particular, “soft” and “hard” preventative initiatives can be focused on different types of rape offenders, as do the 25 techniques for prevention.

The main gaps in the rape literature have revolved around their person-centred and sociocultural perspectives that have over-emphasised the role of these factors as primary motivators of the offence. The current non-criminological approaches have also implied that rape and rape offenders are somehow different from the catalogue of non-sexual crimes and prevention must rely on attitudinal changes at both the individual and community levels. In addition, the rape literature generally stands outside the corpus criminological literature. Another gap in the rape literature relates to differences between stranger and non-stranger initiated rape. The literature is silent on different situational structures that might be used in the commissioning of these rapes. The research in this thesis is aimed at addressing these gaps in the literature. Firstly, the first research chapter examined rape offenders and rape across a number of sociodemographic, criminological and situational variables to help establish if offenders and offences can be fitted to a situational theory of crime. In other words, the aim is to help establish if non-person centred and sociocultural models are viable for the investigation of rape. If rapes can be shown to have similar situational structures to other types of offences it offers support for situational theories of crime approach. In addition, the other two research chapters continue to examine rape from a situational theory of crime perspective by examining the offence from the perspective of prosecution documentation and via interviews with offenders. Such
approaches provide insights into the situational aspects of the crime and should offer supportive evidence for the viability of using situational theories of crime to investigate rape.

3.5.1 The Current Study

The following section provides an overview of the methodological approach adopted for the thesis: the methodological details are contained in the individual research chapters. The research questions focused on examining the role of situational factors in rape, especially their power to describe rape, and as a corollary, if situational crime prevention techniques could be applied to rape prevention. In addition, a number of subsidiary research questions were generated that were specific to the data (discussed in Section 1.2).

The methodological approach was designed to examine the role of situational factors in rape using various data sources that in combination overcome their individual deficits. The data sources used were 1.) The Queensland Department of Corrective Services (DCS) prisoner induction instrument, the Offender Risk Needs Inventory (ORNI); 2.) The Director of Public Prosecution (DPP) files; and 3.) Interviews with incarcerated rape offenders. All subjects were male. The decision to focus on male rape offenders was partially dictated by the logic of situational theory (Clarke 1995; Felson and Clarke 1998; Wilson, Lincoln et al., 1994). According to the situational problem-solving approach, interventions need to concentrate on a specific offence category. Studying male and female rapists could confound the results. More importantly, female rapists are relatively rare phenomenon (Laws & O'Donohue, 1997). For example, Russell (1984) found only five of 930 (0.7%) female participants in her study were raped by women. These are the three data sources professionals working in the DCS would normally consult in preparing reports for parole boards, courts, sentence management reviews and assessment for sexual offender treatment program (SOTP) participation. They constituted a known data source and the researcher had used all these sources in compiling reports.

The next phase in methodology development was to devise approaches that exploited the strengths of the database in addressing the research questions. The ORNI database, with its mainly nominal level data, dictated a multivariate analysis. Logistic regression, with its ability to analysis both nominal and ordinal level data was a natural choice. The data allowed for comparisons between rape offenders and non-rape offenders. The primary aim was to ascertain if rape offenders and non-rape offenders were different across a variety of criminal, sociodemographic and situational variables. The Interview and DPP data provided more flexibility in investigating the role of situational factors in rape. Firstly, both investigations allowed different sub-categories of rape offenders, stranger, and non-stranger, to be studied across situationally relevant independent variables. While stranger initiated rapes are the most commonly reported to the criminal justice system, offences committed by known offenders are in fact
the most common (see Section 2.3). Studying different types of rape offenders, stranger and non-stranger, will provide greater insights into the offence and its prevention. It was anticipated that that stranger and non-stranger rape offenders would differ on situational variables with known offenders utilising different strategies and situational variables in the commissioning of their offences. The situational models of crime literature asserts that similar types of offences, such as burglary, can require different situational interventions (Cornish & Clarke, 1986). The questions devised for both studies were generally similar, but the “Interview” questions allowed more focus on dispositional and transitory factors associated with the rape and probing responses; it also allowed for the dynamic nature of the offence to be captured. The questions in both studies centred on the offender and situational factors and to a lesser extent, victim sociodemographic items, such as age and employment. The questions then focused on the events before the rape, during and after the rape. In addition, information was also collected on administrative descriptor variables, such as court outcome, type of rape and sentence. Additional questions asked during the interviews included emotional arousal and activities to reduce arrest.

The three methodologies allowed different perspectives on rape. They allowed a top-down perspective provided by the ORNI analysis, a perspective provided by court documentation in the DPP files and at an individual level through interviews. In analysing rape from these differing levels, a comprehensive perspective would emerge. If situational crime prevention theories could not be fitted to rape, if its interventions were inadequate, then it should be identified in these three studies. If situational crime prevention did have power to describe and prevent rape, the three studies should be in accord.

The aim of the thesis was to examine the role of situational factors in rape. If rape can be shown to have significant situational elements then new avenues for its prevention, treatment and conceptualisation are provided. The three studies that investigate the offence approach it from different perspectives and utilise different methodologies. It is hypothesised that rape will be significantly influenced by situational factors and in most respects emerge as an offence of “criminality” rather than deviancy. To investigate the role of situational factors in the offence the following overarching research questions was generated:

- What is the role of situational factors in rape?

A subsidiary question was developed to use with the ORNI information:

- Are rape offenders a special case?
The DPP chapter explored the following subsidiary research questions:

- Is there evidence of situational factors in rape offences convicted in the higher courts?
- Do the situational factors differ between stranger and non-stranger rapes convicted in the higher courts?

The rape offenders’ interview research focus in the third research chapter was:

- Are situational factors in rape evident in the narratives of incarcerated offenders?
- Do the situational factors differ between stranger and non-stranger rapes convicted in the higher courts?

The studies will be one of the few to examine long held beliefs about the special type of offence nature of rape as well as investigating the offence from a situational perspective. By using database and file content analyses, and personal interviews, the research can provide a more comprehensive picture of rape from a criminological perspective. The results of the study should provide foundations for the development of crime prevention initiatives based on the work of Cornish and Clarke (2003), Wortley, and Smallbone (2006) that are not as reliant on changing the offenders cognitions or belief systems.
Chapter 4: Offender Risk/Needs Inventory Database Analysis

4.1 Introduction to the Analyses

The aim of this study is to establish if rape offenders are different from other types of offenders across a broad range of factors including substance abuse, criminal justice system involvement and socio-demographic variables. This analysis was based on information from the Queensland Department of Corrective Service’s (DCS) prisoner induction questionnaire, the Offender Risk/Needs Inventory (ORNI). In the literature chapters, it was argued that sociocultural and psychopathological perspectives generally accord primacy of rape motivation to social and/or dispositional factors and usually ignore the role of situational factors. Furthermore, rape is commonly presented as a special offence with an implication that it differs in its genesis, maintenance and commissioning from the general catalogue of criminal offences. If rape offenders differ from other non-sexual offenders in terms of their backgrounds, criminality, childhood experiences and substance abuse histories then the case for situational interpretations is weakened. As a first step in investigating the role of situational factors in rape, it is necessary to establish if rape offenders are a special case compared to other categories of offenders. Specifically, in this chapter imprisoned male rape offenders with adult female victims and without a record of child sexual offences, were compared against imprisoned indecent dealing – child offenders, assault – grievous bodily harm (GBH) and burglary – dwelling offenders (Offences are defined Table 4.2) None of the offenders in the comparison groups were recorded as having convictions for rape. These offence categories were chosen because they represented a broad range of specific offence categories including child sexual abuse, violence and property offences.

To explore the possible differences between rape and other types of offenders, the following subsidiary research question was generated:

- Are rape offenders a special class of offenders?
The following subsidiary questions were developed for the first research chapter to ascertain if rape offenders are different from other types of offenders. These questions were designed to establish if rape is a special offence:

- Do the situations surrounding child sex offences differ from adult rape offences?
- Do the situations surrounding violent offences differ from rape offences?
- Do the situations surrounding property offences differ from rape offences?

The current study anticipates that rape offenders will not emerge as a special case and their offences will be subject to situational factors. This prediction is based on the review of situational factors in rape, especially those relating to routine activity theory. It is also anticipated that the statistical analyses will be able to predict group membership but these differences will be a function of situational factors. This prediction is based on the assumption that offenders will utilise situational factors differently in commissioning their offences but situational factors will be important elements in their offending.

4.2 Method

4.2.1 Subjects

Subjects in this study consisted of 796 offenders who were currently or previously incarcerated in Queensland Prisons and assessed with the ORNI between 1 January 2000 and 9 December 2002. Subjects consisted of 98 rape offenders with adult female victims, 240 Assault - Grievous Bodily Harm (GBH) offenders, 277 burglars and 181 child sexual offenders imprisoned for Indecent Dealings – Child Under 16 (ID). All prisoners had been sentenced under the Queensland Peninsula and Sentences Act, (1994) or its interstate equivalent. Females were not included in the study as no female rape offenders were identified (they also comprise 6.7% of the Queensland prison population (Queensland Corrective Services Commission, 2005). The average offender age was 32.9 (SD = 11.77, range 18-71). One-fifth (21.7%) had less than ten years of education, 30.9% were Indigenous, 54.5% were white Australian and 14.6% were of another ethnic origin. Most of the prisoners (62.2%) were unemployed at the time of their arrest. Of 726 prisoners with marital status information recorded (91.2%), 140 (19.3%) were in de facto relationships, 66 (9.1%) were married and 417 (57.4%) were never married; the remainder were divorced, separated or widowed.
4.2.2 Procedure and Materials

Ethical approval for the studies was obtained from the Griffith University Human Ethics Committee and permission from the Department of Corrective Services was obtained before the analyses commenced.

An ORNI assessment is completed on every prisoner received into a Queensland jail or on commencement of a community supervision order where the sentence exceeds 12 months. Trained assessing officers, (psychologists or counsellors) generally administer the questionnaire and it was verified by a senior officer before it was entered on the database. The assessing officer administered it face-to-face in a confidential setting and responses were entered directly into a computerised database. Computerised administration automatically coded most responses into “Y(es)/N(o)”. Sociodemographic information such as date of birth and ethnicity was also collected. The instrument is the major data collection instrument used by the DCS and guides risk level allocations and sentence management. It is divided into the following 14 sections:

1. Alcohol and Drugs (5 items, e.g., substances used at offence, history of use)
2. Criminal Attitudes (9 items, e.g., the offence was not serious, I should not have been jailed)
3. Criminal history (9 items, e.g., juvenile delinquency, prior arrests, prior imprisonments)
4. Housing issues (3 items, e.g., high crime neighbourhood, accommodation unsatisfactory)
5. Money matters (4 items, e.g., problems managing money, rely on government assistance)
6. Employment Potential (5 items, e.g., grade ten education, ever sacked)
7. Recreational Activities (3 items, e.g., use time better, lack of activities)
8. Relationships (5 items, relatives who have committed offences, non-rewarding family)
9. Transport issues (3 items, disqualified, licence suspended)
10. Violence Potential (12 items of which only 8 are scored, e.g., diagnosis of Antisocial Personal Disorder, psychopathy, intimidating and controlling)
11. Other related (perpetrator) victim issues (8 items, e.g., financial deprivation as a child, childhood sexual victimisation)
12. Cultural issues (6 items, e.g., native language is primary one, have pride in native culture)
13. Responsivity (barriers to completing rehabilitation courses) issues (5 items, e.g., low IQ, offence denial)
14. Offender strengths (5 items, e.g., possession of job skill, supportive family)

Upon request, the DCS Information and Technology Branch provided two-years of ORNI data containing historical induction information on every prisoner in custody up and until 9 December 2002 who had been assessed with the ORNI. The file contained information on 47,097 offences.
committed by 8,345 past and current male prisoners. However, full details were available for 17,719 offences committed by 2,744 prisoners. When the ORNI was first introduced, all existing prisoners were assessed with the instrument. However, the then currently incarcerated prisoners were assessed with a shortened ORNI that collected basic information only for use in the DCS annual report so these items were collected. Prisoners due for discharge were unlikely to receive ORNI assessment priority, and it is doubtful if prisoners with multiple offences were assessed about the minutia of their several rapes.

The filtering scheme was necessary to provide datasets of offenders in each of the four crime categories that would allow meaningful comparisons. Clarke (1995) recommended that interventions needed to concentrate on a specific offence category rather than on a broad range. For example, car thefts by juvenile joy-riders are different in kind from those of professional car thieves and require different preventative strategies. Comparing all rapists with all burglars, for instance, would most likely confound the results. For these reasons filtering was used to generate specific types of offender categories for analysis. The aim of the case selection process was to identify rape offenders with adult female victims, and burglars, indecent dealing – child, and grievous bodily harm offenders without a rape conviction. Information was only collected on the offenders’ most serious offence to ensure data on one offence and one offender was collected (i.e., an offender may have ten episodes arising from the one event but only one offence is deemed the most serious offence. If the data were not sorted on the most serious offence, all episodes would be included in the calculations that could distort the results in favour of serial offenders). Case identification commenced after receipt of the file. All case filtering was undertaken using Microsoft Excel’s filter command. After case selection, the data were analysed using Statistical Package for the Social Sciences version 10.01 (SPSS V 10.01). Cases were initially searched on the ORNI assessment fields that had a “Yes” or “No” entry (e.g., Substances caused problems at home). This excluded 29,292 blank and 85 “Unknown” (62.4%) entries (out of 47,097 records). As far as could be ascertained there was no systematic exclusion of offenders by offence type or other characteristics. The cases used in the analysis most likely are a representative sample of offenders.

The offender categories (dependent variables) were selected as follows:

A filtering process was used to identify rape offenders with adult female victims without a history of sexually assaulting child victims. Cases were initially filtered by most serious offence to ensure duplicates or multiple cases were not harvested (i.e., an offender with six rape offences in the one episode would only have one offence marked as the most serious – only one rape episode would be chosen). This search found 164 rape offenders. These cases were then searched on the ORNI’s “Sexual Tendency” fields to ensure they did not have a
child victim (nine had a girl victim, 47 were convicted of indecent dealing with a girl, four for sexual relations with a boy, eight for sexual relations with a girl, one for sexual relations with an interfamilial girl). A total of 98 rape offenders with an adult female victim were identified and without a current or previous conviction for a child sexual offence. As far as could be ascertained they did not have burglary or assaultive previous offences. Rape offenders with male victims were excluded from the study as they were likely to have had different *modus operandi* and to have used situational factors differently. Including them in the study could compromise and confuse the findings. Offenders with a current or previous rape conviction were also excluded. The variable that recorded a previous or current rape conviction was searched for “No” cases.

- A total of 755 burglaries – dwelling house offences were recorded on the ORNI (committed by 327 offenders). Two-hundred and ninety eight were identified as not having a rape conviction and inspection of these cases identified 277 single offenders with one most serious offence.

- Using a similar filtering approach as used for the ID and burglars, 240 GBH offences without a rape conviction were identified (of the 327 offenders, 16 had a rape conviction and filtering on “Most serious offence” produced 240 offenders who met the selection criteria).

- A similar process was used for the indecent dealing – girl offenders. However, offenders with a current or previous rape conviction were excluded. The variable that recorded a previous or current rape conviction was searched for “No” cases. There were 425 indecent dealings – child offences on record, 288 had complete ORNI assessment fields, and 181 offenders did not have a current or previous rape conviction. These 181 offenders were included in the study. It must be acknowledged that the sample of ID offenders would consist of both paedophiles and hebephiles who may differ on the independent variables. Unfortunately, there was no way of filtering them out.

The independent variables used in the analysis consist of a mixture of dichotomous and aggregated items and selected as follows:

- The ORNI possesses individual items of situational significance; “Drunk at the Time of the Offence” and “Residing in a High Crime Neighbourhood” which provide a specifically situational perspective and these were included in the analyses. (The latter item is endorsed when the offender, prior to their current imprisonment, resided in a high crime neighbourhood

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and is based on the assessor’s subjective knowledge of the neighbourhoods. It has not been empirically validated.) In addition, two criminal history items “Juvenile Delinquency” and “Previous Imprisonment” were considered important enough in their own right to be included in the analysis; the former, because it provides an indication of the early onset of criminality and the latter as a marker of adult criminality. The offenders’ age and ethnicity were also used in the analysis.

- A number of potentially interesting variables and sections were excluded from the analysis because of doubts about the veracity of the data. For example, 1.9% of offenders in the dataset were listed as having an anti-social personality disorder, 1.1% were assessed as having a diagnosis of psychopathy and 4.5% as having low intelligence. By way of contrast, Dunsieth et al., (2004) in their study of offenders reported that 56% had an antisocial personality disorder. Similar results were obtained for items relating to cultural issues. From perusal of the items, it seems that critical data, that is, data required for administrative purposes or fed directly into offender risk equations were given priority for completion. Other areas, like psychological functioning appeared to be given a default “No”. It is also likely that offenders would respond in the negative to any question about having a low IQ or diagnoses of psychopathy. Items in the Transport Section also had a low response rate.

- A Cronbach’s alpha was then completed on the ORNI sections that could be used in the analysis. Sections relating to Transport, Cultural Issues and Responsivity were excluded from this analysis because of doubts about the veracity of the information. Items with alphas of less than 0.64 were not included in the study. The alpha cut off was set at 0.64 for inclusion in the analysis. While a reliability coefficient of .70 or higher is considered "acceptable" in most social science research situations (UCLA, 2005), Schmitt (1996) argues there is no sacred acceptable or unacceptable level of alpha. Setting the alpha level at .64 provided a range of variables within social science acceptable standards. While this cut-off point would exclude some potentially interesting variables, an alpha level set too low could compromise the generalisability of results. Cronbach's alpha was .74 for the all ORNI items used in the analysis, and .64 to .85 for the individual sections.

- Items being used as categorical items (described above) were excluded from the analysis (i.e., the criminal history section has nine items but two would be used as categorical items, so testing was carried out on the remaining seven items). Aggregated section scores for Other Strengths (four items), Criminal History (seven items), Employment Potential (five items), Recreational Activities (three items), Alcohol and Drugs (4 items), Housing issues (2 items)
and Other Offender Victim Related Issues (6 items) were included as independent variables in the analysis.

Table 4.1: Cronbach’s Alpha Analysis

<table>
<thead>
<tr>
<th>Variable</th>
<th>Cronbach’s Alpha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol and drugs items</td>
<td>.66</td>
</tr>
<tr>
<td>Criminal attitudes items</td>
<td>.59</td>
</tr>
<tr>
<td>Criminal history items</td>
<td>.79</td>
</tr>
<tr>
<td>Housing issues items</td>
<td>.64</td>
</tr>
<tr>
<td>Money matters items</td>
<td>.53</td>
</tr>
<tr>
<td>Employment potential items</td>
<td>.32</td>
</tr>
<tr>
<td>Recreational activities items</td>
<td>.77</td>
</tr>
<tr>
<td>Relationships items</td>
<td>.52</td>
</tr>
<tr>
<td>Violence potential items</td>
<td>.32</td>
</tr>
<tr>
<td>Other offender victim related items</td>
<td>.67</td>
</tr>
<tr>
<td>Offender strengths items</td>
<td>.85</td>
</tr>
</tbody>
</table>
The variables used in the analysis are detailed in Table 4.2 below

**Table 4.2: Variable Descriptions**

<table>
<thead>
<tr>
<th>Offence</th>
<th>Definitions/Codings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary – dwelling</td>
<td>The unlawful entry of a structure to commit theft.</td>
</tr>
<tr>
<td>Grievous bodily harm</td>
<td>GBH is a serious assault typically where there is wounding or broken bones. It must cause “really serious harm” to the victim.</td>
</tr>
<tr>
<td>Indecent dealing – child</td>
<td>Is an offence against currently accepted standards of decency. Indecency must always be judged in the light of time, place and circumstances. Typically, it involves sexual intercourse of an adult male with a child.</td>
</tr>
<tr>
<td>Rape</td>
<td>Carnal knowledge of a female against her will.</td>
</tr>
<tr>
<td>Criminal history items (aggregated score)</td>
<td>Community custody breaches.</td>
</tr>
<tr>
<td></td>
<td>Convicted whilst on community release.</td>
</tr>
<tr>
<td></td>
<td>More than two offences.</td>
</tr>
<tr>
<td></td>
<td>More than two violations.</td>
</tr>
<tr>
<td></td>
<td>Multiple charges.</td>
</tr>
<tr>
<td></td>
<td>Prior arrests.</td>
</tr>
<tr>
<td></td>
<td>Prior community order.</td>
</tr>
<tr>
<td>Housing issues items (aggregated score)</td>
<td>Accommodation unsatisfactory.</td>
</tr>
<tr>
<td></td>
<td>More than three address changes in 12 months prior to incarceration.</td>
</tr>
<tr>
<td>Offender strengths (aggregated score)</td>
<td>Possession of job skill.</td>
</tr>
<tr>
<td></td>
<td>Other strengths that facilitate rehabilitation.</td>
</tr>
<tr>
<td></td>
<td>Support from non-criminal family/friends/employers.</td>
</tr>
<tr>
<td></td>
<td>Possession of a technical qualification.</td>
</tr>
<tr>
<td>Offence</td>
<td>Definitions/Codings</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Other Related (offender) Victim Related Issues (aggregated score)</td>
<td>• Childhood neglect.</td>
</tr>
<tr>
<td></td>
<td>• Emotional abuse.</td>
</tr>
<tr>
<td></td>
<td>• Family violence.</td>
</tr>
<tr>
<td></td>
<td>• Physical assault.</td>
</tr>
<tr>
<td></td>
<td>• Sexual assault.</td>
</tr>
<tr>
<td></td>
<td>• Financial deprivation.</td>
</tr>
<tr>
<td>Recreational Activities (aggregated score)</td>
<td>• Too much free time.</td>
</tr>
<tr>
<td></td>
<td>• Use time better.</td>
</tr>
<tr>
<td>Alcohol and drug Issues (aggregated score)</td>
<td>• Caused problems at home.</td>
</tr>
<tr>
<td></td>
<td>• Caused problems at work.</td>
</tr>
<tr>
<td></td>
<td>• History of use.</td>
</tr>
<tr>
<td></td>
<td>• Received substance abuse treatment.</td>
</tr>
<tr>
<td>Transport breaches (aggregated score)</td>
<td>• Disqualified from driving.</td>
</tr>
<tr>
<td></td>
<td>• License suspended.</td>
</tr>
<tr>
<td></td>
<td>• License suspended.</td>
</tr>
<tr>
<td></td>
<td>• Unlicensed.</td>
</tr>
<tr>
<td>Age</td>
<td>• Age of offender at time of assessment.</td>
</tr>
<tr>
<td>Substances used at time of offence (dichotomous item)</td>
<td>• Intoxication status at time of offence (self-report or obtained from collateral sources, e.g., court documentation).</td>
</tr>
<tr>
<td>Previous incarceration (dichotomous item)</td>
<td>• Previous imprisonment; either self-report or known from collateral sources, e.g., criminal history.</td>
</tr>
<tr>
<td>Juvenile delinquency (dichotomous item)</td>
<td>• History of juvenile delinquency, typically child court convictions, juvenile incarcerations. Based on self-reports or obtained from collateral sources.</td>
</tr>
<tr>
<td>Ethnicity (dichotomous item)</td>
<td>• Indigenous in context of the ORNI refers to the self-identification of having Aboriginal or Torres Strait Islander heritage.</td>
</tr>
<tr>
<td>High crime neighbourhood (dichotomous item)</td>
<td>• Either self-report or based on assessors knowledge of the offender’s neighbourhood.</td>
</tr>
</tbody>
</table>
4.2.3 Data Analysis

The ORNI data was analysed using SPSS V 10.01. The majority of the data consisted of numerical aggregates of recomputed (nominal) “yes” or “no” scores, categorical or descriptive and thus logistic regressions and cross-tabulations were performed where appropriate.

4.3 Results

This section details the results of the analysis undertaken to address the subsidiary research question of this study “Are rape offenders a special class of offenders?” Three logistic regressions analyses were performed with rape offenders and either, GBH, burglars or ID comprising the dichotomous dependent variable. Where significant results are reported, it means that the results had less than a five percent chance of occurring by probability. Significant results from the logistic regression are further analysed using cross-tabulation analysis.

4.3.1 Rape and Grievous Bodily Harm Offenders Analysis

The first analysis compared violent offenders, against adult female victim rape offenders. Grievous bodily harm is a serious assaultive offence that has resulted in significant physical harm to victims, such as cut skin or broken bones. Like rape, its seriousness most likely results in a custodial sentence being imposed rather than a non-custodial option. None of the GBH offenders in the study was recorded as ever being convicted of rape. Typically, GBH offences are alcohol-fuelled incidents, committed during the same time ranges as rapes by men in the same age grouping as rape offenders (Coid, et al., 2000; Stevenson, et al., 1999). Rape offenders and violent offenders may be relatively indistinguishable on the situational factors. These offences are likely to be impulsive and involve the use of a weapon. It is anticipated that rape offenders and GBH offenders will prove relatively similar across the variables.

Table 4.8: presents the odds ratios for the significant multivariate predictors for rape and GBH offenders. The bivariate cross-tabulations of predictors of rape and GBH with each of the significant predictors are also presented in Table 4.9 through to Table 4.12. The multivariate analysis had similar methodology, processes and variables described in the previous logistic regression. The same 98 rape offenders were compared to 240 GBH offenders.

A test of the full model with ten predictors against a constant only model was statistically reliable with the $\chi^2 (df = 12, N = 338) = 36.34, p < .001$), indicating that the predictor variables as a group could distinguish between GBH and rape offenders. The variance between the groups was small (Cox
& Snell $R^2 = .102$). However, the model successfully classified 72.2% of all subjects; 94.2% of GBH offenders were successfully classified but only 18.4% of rape offenders. A number of individual items were identified as predictive. Offender deprivation issues, ethnicity, previous incarcerations and age were able to predict type of offence. By way of contrast, criminal history, housing needs, offender strengths, substances used at offence, juvenile delinquency, or previous incarcerations did not prove predictive.
Table 4.3: Summary of Logistic Regression Analysis for Variables Predicting Rape and Grievous Bodily Harm Offenders

<table>
<thead>
<tr>
<th>Variable</th>
<th>B</th>
<th>S.E.</th>
<th>Wald df</th>
<th>Sig.</th>
<th>Exp(B)</th>
<th>95.0% C.I. for Exp(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other offender related deprivation issues</td>
<td>.25</td>
<td>.12</td>
<td>4.83</td>
<td>.03</td>
<td>1.29</td>
<td>1.03 - 1.62</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>.91</td>
<td>.29</td>
<td>10.20</td>
<td>.00</td>
<td>2.49</td>
<td>1.42 - 4.37</td>
</tr>
<tr>
<td>Previous incarceration</td>
<td>-.68</td>
<td>.33</td>
<td>4.46</td>
<td>.04</td>
<td>.50</td>
<td>.26 - .95</td>
</tr>
<tr>
<td>Age</td>
<td>.05</td>
<td>.02</td>
<td>14.88</td>
<td>.00</td>
<td>1.06</td>
<td>1.03 - 1.09</td>
</tr>
<tr>
<td>Substance abuse items</td>
<td>.01</td>
<td>.19</td>
<td>.00</td>
<td>.98</td>
<td>1.00</td>
<td>.69 - 1.47</td>
</tr>
<tr>
<td>Criminal history items</td>
<td>-.11</td>
<td>.08</td>
<td>2.14</td>
<td>.14</td>
<td>.89</td>
<td>.77 - 1.04</td>
</tr>
<tr>
<td>Housing needs items</td>
<td>-.15</td>
<td>.22</td>
<td>.49</td>
<td>.49</td>
<td>.86</td>
<td>.55 - 1.32</td>
</tr>
<tr>
<td>Offender strengths</td>
<td>-.01</td>
<td>.09</td>
<td>1.11</td>
<td>.23</td>
<td>.91</td>
<td>.75 - 1.09</td>
</tr>
<tr>
<td>Substances used at offence</td>
<td>-.10</td>
<td>.32</td>
<td>.10</td>
<td>.75</td>
<td>.91</td>
<td>.49 - 1.68</td>
</tr>
<tr>
<td>Juvenile delinquency</td>
<td>.19</td>
<td>.29</td>
<td>.41</td>
<td>.52</td>
<td>1.20</td>
<td>.68 - 2.11</td>
</tr>
<tr>
<td>High crime neighbourhood</td>
<td>-.13</td>
<td>.30</td>
<td>.17</td>
<td>.68</td>
<td>.88</td>
<td>.49 - 1.60</td>
</tr>
<tr>
<td>Recreational issues</td>
<td>.17</td>
<td>.12</td>
<td>1.88</td>
<td>.17</td>
<td>1.18</td>
<td>.93 - 1.50</td>
</tr>
<tr>
<td>Constant</td>
<td>-3.05</td>
<td>.96</td>
<td>10.03</td>
<td>.00</td>
<td>.048</td>
<td></td>
</tr>
</tbody>
</table>

Other Offender-Deprivation Related Issues Score

Table 4.9 presents the offenders’ aggregated deprivation scores on ORNI items relating to childhood deprivation. On the logistic regression analysis the Wald statistic was 4.83, \( p = .028 \). This item measures the offenders’ self-assessment of exposure to childhood neglect, emotional abuse, family violence, physical assault, sexual assault, or financial deprivation. Proportionally, both offenders are almost equal in terms of endorsing no deprivation items (57% and 56%). In the low range of scores (1-2) GBH offenders (35.4%) endorsed more items that rape offenders (27.5%). In the medium and high ranges, GBH offenders (7.1%) were subject to a less severe childhood than rape offenders (16.3%) were. The results suggest that, overall, rape offenders have a slightly more dysfunctional childhood, as measured by the ORNI items than GBH offenders do. Childhood experiences may contribute to an offenders’ readiness to offend in adulthood.
Table 4.4: Offender Deprivation Issues Rape and Grievous Bodily Harm Offenders

<table>
<thead>
<tr>
<th>Offender deprivation issues score</th>
<th>GBH</th>
<th></th>
<th>Rape</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Nil</td>
<td>138</td>
<td>57.5</td>
<td>55</td>
<td>56.1</td>
</tr>
<tr>
<td>1 Low (Scores 1-2)</td>
<td>85</td>
<td>35.4</td>
<td>27</td>
<td>27.5</td>
</tr>
<tr>
<td>3 Medium (Score 3)</td>
<td>11</td>
<td>4.6</td>
<td>10</td>
<td>10.2</td>
</tr>
<tr>
<td>4 High (Score 4-5)</td>
<td>6</td>
<td>2.5</td>
<td>6</td>
<td>6.1</td>
</tr>
<tr>
<td>Totals</td>
<td>240</td>
<td>98</td>
<td>98</td>
<td>98</td>
</tr>
</tbody>
</table>

Ethnicity

Indigenous offenders are proportionally more likely to be convicted of rape than of GBH offences (37.5% and 46.9% respectively). The Wald statistic for this item was 10.196 with \( p = .001 \).

Table 4.5: Ethnicity of Rape and Grievous Bodily Harm Offenders

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>GBH</th>
<th></th>
<th>Rape</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Non-Indigenous</td>
<td>150</td>
<td>62.5</td>
<td>52</td>
<td>53.1</td>
</tr>
<tr>
<td>Indigenous</td>
<td>90</td>
<td>37.5</td>
<td>46</td>
<td>46.9</td>
</tr>
<tr>
<td>Totals</td>
<td>240</td>
<td>98</td>
<td>98</td>
<td>98</td>
</tr>
</tbody>
</table>

Previous Incarcerations

Rape offenders are less likely to have been previously imprisoned (60.2%) than GBH offenders (72.9%), (Wald statistic = 4.46, \( p = .03 \)). Overall, 69.2% of GBH and rape offenders had been previously incarcerated. While the ORNI did not provide information on the types of previous offences or crime specialisation, the results most likely indicate a high level of criminal justice system involvement.
Table 4.6: Previous Incarcerations of Rape and Grievous Bodily Harm Offenders

<table>
<thead>
<tr>
<th>Previous incarceration</th>
<th>GBH</th>
<th>Rape</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Yes</td>
<td>175</td>
<td>72.9</td>
</tr>
<tr>
<td>No</td>
<td>65</td>
<td>27.1</td>
</tr>
<tr>
<td>Totals</td>
<td>240</td>
<td>98</td>
</tr>
</tbody>
</table>

Age at Time of Assessment

Table 4.12 details the age of offenders at the time of their ORNI assessment. GBH offenders are spread in relatively equal numbers across the four age categories although each age category decreases, while the rape offenders are more concentrated in the older age groupings. The modal age for rape offenders, according to these figures is 31-39 (38.8%) while 17-24 year olds have the lowest imprisonment rate (15.3%).

Table 4.7: Age of Rape and Grievous Bodily Harm Offenders

<table>
<thead>
<tr>
<th>Age</th>
<th>GBH</th>
<th>Rape</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>17-24</td>
<td>68</td>
<td>28.3</td>
</tr>
<tr>
<td>25-30</td>
<td>63</td>
<td>26.3</td>
</tr>
<tr>
<td>31-39</td>
<td>53</td>
<td>22.1</td>
</tr>
<tr>
<td>40 plus</td>
<td>56</td>
<td>23.3</td>
</tr>
<tr>
<td>Totals</td>
<td>240</td>
<td>98</td>
</tr>
</tbody>
</table>

4.3.2 Rape and Burglary Offenders

The second study compares adult female victim rape offenders with burglary – dwelling house offenders. This latter group are offenders who break into houses for the purposes of stealing. Unlike the offenders in the other two studies, burglary is not an offence that would normally attract a custodial sentence, at least for a first offence, unless it was deemed a serious offence. Custodial sentences are likely to be imposed for persistent, serious and career criminals. It is possible that some of the burglars in this study are drug addicts and their offences support a drug habit. None of the burglars had a criminal history for rape.

The logistic regression analysed the impact of the 12 independent variables used in the studies. A test of the full model with against a constant only model was statistically significant $\chi^2 (df=12, n = 375) =$
The variance between the groups was relatively small (Cox & Snell $R^2 = .26$). The model was able to successfully classify 79.7% of offenders overall; 39.8% of rape offenders and 93.9% of burglars.

Table 4.13 details the regression coefficients, Wald statistic, odds ratio, and 95% confident limits for each of the eight predictors. The Wald statistic indicates that criminal history items, ethnicity, previous incarcerations and the offenders’ age contribute significantly to the predictive power of the analysis. The cross-tabulations of the significant predictor variables for rape offenders and burglars are presented in Table 4.14 through to Table 4.18 below. The odds a burglar has been in prison on a previous occasion were seven times higher than for a rape offender. Burglars were more than twice as likely to have been previously incarcerated as rape offenders were. Rape offenders were less likely to be of Indigenous ethnicity an odds ratio of 0.23. These characteristics are explored further in the cross-tabulation tables below.
Table 4.8: Summary of Logistic Regression Analysis for Variables Predicting Rape and Burglary Offenders

<table>
<thead>
<tr>
<th>Variable</th>
<th>B</th>
<th>S.E.</th>
<th>Wald df</th>
<th>Sig.</th>
<th>Exp(B)</th>
<th>95.0% C.I. for Exp(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substance abuse items</td>
<td>.49</td>
<td>.21</td>
<td>5.52</td>
<td>.02</td>
<td>1.64</td>
<td>1.08-2.47</td>
</tr>
<tr>
<td>Criminal history items</td>
<td>.33</td>
<td>.09</td>
<td>13.25</td>
<td>.00</td>
<td>1.38</td>
<td>1.16-1.65</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>-1.47</td>
<td>.31</td>
<td>22.06</td>
<td>.00</td>
<td>.23</td>
<td>.12-.42</td>
</tr>
<tr>
<td>Previous incarceration</td>
<td>.79</td>
<td>.38</td>
<td>4.37</td>
<td>.04</td>
<td>2.19</td>
<td>1.05-4.59</td>
</tr>
<tr>
<td>Age</td>
<td>-.12</td>
<td>.02</td>
<td>35.84</td>
<td>.00</td>
<td>.89</td>
<td>.85-.92</td>
</tr>
<tr>
<td>Housing needs items</td>
<td>.01</td>
<td>.23</td>
<td>.00</td>
<td>.96</td>
<td>1.01</td>
<td>.64-1.60</td>
</tr>
<tr>
<td>Other offender related deprivation issues</td>
<td>-.20</td>
<td>.11</td>
<td>3.42</td>
<td>.06</td>
<td>.82</td>
<td>.66-1.01</td>
</tr>
<tr>
<td>Offender strengths</td>
<td>.02</td>
<td>.11</td>
<td>.03</td>
<td>.86</td>
<td>1.02</td>
<td>.82-1.27</td>
</tr>
<tr>
<td>Substances used at offence</td>
<td>-.18</td>
<td>.36</td>
<td>.25</td>
<td>.62</td>
<td>.84</td>
<td>.41-1.69</td>
</tr>
<tr>
<td>Juvenile delinquency</td>
<td>-.02</td>
<td>.32</td>
<td>.00</td>
<td>.95</td>
<td>.98</td>
<td>.52-1.83</td>
</tr>
<tr>
<td>High crime neighbourhood</td>
<td>-.07</td>
<td>.34</td>
<td>.04</td>
<td>.84</td>
<td>.93</td>
<td>.48-1.82</td>
</tr>
<tr>
<td>Recreational issues</td>
<td>.00</td>
<td>.13</td>
<td>.00</td>
<td>.99</td>
<td>1.00</td>
<td>.78-1.29</td>
</tr>
<tr>
<td>Constant</td>
<td>3.31</td>
<td>1.07</td>
<td>9.48</td>
<td>.00</td>
<td>27.53</td>
<td></td>
</tr>
</tbody>
</table>

Substance Abuse Issues

This item aggregates the individual substance abuse “Yes” items (i.e., caused problems at home, caused problems at work, history of use, received substance abuse treatment). The Wald statistic for this item was 5.52, \( p < .05 \), with an odds ratio of 1.64. In general terms, the higher the score the greater the involvement with substances. Burglars were proportionally more likely to have low scores (24.9%) than rape offenders (35.7%). This indicates that substance abuse is less of a problem for rape offenders than burglars. Burglars also had higher medium range scores (72.5%) compared to 63.3% of rape offenders.

Table 4.9: Substance Abuse Issues of Rape Offenders and Burglars

<table>
<thead>
<tr>
<th>Substance abuse issues score</th>
<th>Rape</th>
<th></th>
<th></th>
<th>Burglars</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td></td>
<td>N</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Low (score &gt; 2)</td>
<td>35</td>
<td>35.7</td>
<td></td>
<td>69</td>
<td>24.9</td>
<td></td>
</tr>
<tr>
<td>Medium (Score 3-4)</td>
<td>62</td>
<td>63.3</td>
<td></td>
<td>201</td>
<td>72.5</td>
<td></td>
</tr>
<tr>
<td>High (Score 5)</td>
<td>1</td>
<td>1.0</td>
<td></td>
<td>7</td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>98</td>
<td></td>
<td></td>
<td>277</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

85
Criminal History Scores

Table 4.15 presents the criminal history scores of rape and burglary offenders. The scores represent the aggregations of criminal history section items scored “Yes” (i.e., community custody breaches, convicted whilst on community release, more than two offences, more than two violations, multiple charges, prior arrests, prior community order). The higher the score the more contact with the criminal justice system. (Wald statistic = 13.25, \( p < 0.001 \), odds ratio = 1.38). Proportionally more burglars scored high on this variable than rape offenders did (82.7% and 52% respectively). However, in the lower to medium ranges, rape offenders had more contact with the criminal justice system than burglars (46.1% and 17.3% respectively).

Table 4.10: Criminal History Item Scores of Rape and Burglary Offenders

<table>
<thead>
<tr>
<th>Criminal history scores</th>
<th>Rape</th>
<th></th>
<th>Burglary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Low (score&lt;2)</td>
<td>21</td>
<td>20.6</td>
<td>13</td>
<td>4.7</td>
</tr>
<tr>
<td>Medium (Score 3-4)</td>
<td>26</td>
<td>25.5</td>
<td>35</td>
<td>12.6</td>
</tr>
<tr>
<td>High (Score 5-7)</td>
<td>51</td>
<td>52.0</td>
<td>229</td>
<td>82.7</td>
</tr>
<tr>
<td>Totals</td>
<td>98</td>
<td>52.0</td>
<td>277</td>
<td>82.7</td>
</tr>
</tbody>
</table>

Ethnicity

Table 4.16 presents the ethnicity of the offenders. Indigenous offenders are proportionally more likely to be imprisoned for burglary (46.9%) than rape (31.8%).

Table 4.11: Ethnicity of Rape Offenders and Burglars

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Burglars</th>
<th></th>
<th>Rape</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Indigenous</td>
<td>88</td>
<td>31.8</td>
<td>46</td>
<td>46.9</td>
</tr>
<tr>
<td>Non-Indigenous</td>
<td>189</td>
<td>68.2</td>
<td>52</td>
<td>53.1</td>
</tr>
<tr>
<td>Totals</td>
<td>277</td>
<td></td>
<td>98</td>
<td></td>
</tr>
</tbody>
</table>

Previous Incarcerations

Table 4.17 reports previous incarcerations of the rape offenders and burglars. The ORNI item does not report the number of incarcerations only if there had been at least one previous incarceration.
(Wald = 4.375, \( p = .036 \), odds ratio = 2.20.) Rape offenders are proportionally less likely to have been imprisoned (60.2\%) than burglars (82.7\%) are. Nevertheless, rape offenders still have relatively high levels of previous incarcerations.

Table 4.12: Previous Incarcerations of Rape Offenders and Burglars

<table>
<thead>
<tr>
<th>Previous Incarcerations</th>
<th>Rape</th>
<th>Burglars</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Yes</td>
<td>59</td>
<td>60.2</td>
</tr>
<tr>
<td>No</td>
<td>39</td>
<td>39.8</td>
</tr>
<tr>
<td>Totals</td>
<td>98</td>
<td></td>
</tr>
</tbody>
</table>

Age

Table 4.13 presents the age of the rape offenders and burglars (Wald statistic = 35.84, \( p < .001 \), odds ratio = 0.89.). Rape offenders are more likely to be aged over 31 (67.4\%) than burglars (36.5\%). The burglars’ modal age range was 17-24 (41.5\%) while the rape offenders were 31-39 (38.8\%). For burglars the involvement with the offence decreased in each age category, while rape offenders increased in every age category until age 40 plus.

Table 4.13: Age of Rape Offenders and Burglars

<table>
<thead>
<tr>
<th>Age</th>
<th>Rape</th>
<th>Burglars</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>17-24</td>
<td>15</td>
<td>15.3</td>
</tr>
<tr>
<td>25-30</td>
<td>17</td>
<td>17.3</td>
</tr>
<tr>
<td>31-39</td>
<td>38</td>
<td>38.8</td>
</tr>
<tr>
<td>40 plus</td>
<td>28</td>
<td>28.6</td>
</tr>
<tr>
<td>Totals</td>
<td>98</td>
<td></td>
</tr>
</tbody>
</table>

4.3.3 Rape and Indecent Deal – Child Offenders

The third analysis consisted of a logistic regression analysis performed through SPSS V 10.01 to assess the probability rates for indecent dealing and rape offenders. Both rape and ID offences are considered so serious by courts they almost certainly result in custodial sentences, even for a first offence. A test of the full model with the 12 predictors against a constant only model was statistically
significant ($\chi^2 = 107.26$, $df = 12$, $p < .001$) indicating that the predictor variables as a group could discriminate between indecent dealing and rape offenders. However, the variance between the groups was small (Cox and Snell $R^2 = .31$) but the overall classification accuracy for both groups was good at 80.3%, with 89% of the ID offenders and 64.3% of the rape offenders correctly classified. Table 4.3 details the regression coefficients, Wald statistic, odds ratio, and 95% confidence limits for each of the 12 predictors. The Wald statistic indicates that the variables “Offender strengths”, “Ethnicity”, “Substance used at offence” and “Age” contributed significantly to the analysis’s predictive power. In contrast, criminal history, housing needs, offender deprivation issues, juvenile delinquency, previous incarcerations, residing in a high crime neighbourhood or recreation issues were not predictive. The loadings on the predictive items are not unexpected and most likely are a function of the *modus operandi* of different types of offenders. The significant predictive items are examined in more detail through cross-tabulation analysis below. Some of the cross-tabulation variable items were collapsed to assist interpretation. Significant variables are recorded at the top of the table below.

### Table 4.14: Summary of Logistic Regression Analysis for Variables Predicting Rape and Indecent Deal Offenders

<table>
<thead>
<tr>
<th>Variable</th>
<th>B</th>
<th>S.E.</th>
<th>Wald df</th>
<th>Sig.</th>
<th>Exp(B)</th>
<th>95.0% C.I. for EXP(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Lower</td>
</tr>
<tr>
<td>Offender strengths</td>
<td>-.32</td>
<td>.11</td>
<td>8.93</td>
<td>&lt;.01</td>
<td>.73</td>
<td>.59 .89</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>-.99</td>
<td>.37</td>
<td>7.05</td>
<td>&lt;.01</td>
<td>.37</td>
<td>.18 .77</td>
</tr>
<tr>
<td>Substances used at offence</td>
<td>-.80</td>
<td>.36</td>
<td>5.02</td>
<td>.03</td>
<td>.45</td>
<td>.22 .905</td>
</tr>
<tr>
<td>Age</td>
<td>.08</td>
<td>.02</td>
<td>21.98</td>
<td>&lt;.001</td>
<td>1.09</td>
<td>1.05 1.12</td>
</tr>
<tr>
<td>Alcohol and drugs items</td>
<td>-.24</td>
<td>.24</td>
<td>.98</td>
<td>.32</td>
<td>.79</td>
<td>.49 1.26</td>
</tr>
<tr>
<td>Criminal history items</td>
<td>.07</td>
<td>.10</td>
<td>.49</td>
<td>.48</td>
<td>1.08</td>
<td>.88 1.31</td>
</tr>
<tr>
<td>Housing items</td>
<td>-.17</td>
<td>.34</td>
<td>.27</td>
<td>.60</td>
<td>.84</td>
<td>.43 1.63</td>
</tr>
<tr>
<td>Other related deprivation issues</td>
<td>.08</td>
<td>.13</td>
<td>.41</td>
<td>.52</td>
<td>1.09</td>
<td>.84 1.438</td>
</tr>
<tr>
<td>Recreational issues</td>
<td>-.26</td>
<td>.16</td>
<td>2.81</td>
<td>.09</td>
<td>.77</td>
<td>.56 1.05</td>
</tr>
<tr>
<td>Juvenile delinquency</td>
<td>-.52</td>
<td>.39</td>
<td>1.73</td>
<td>.19</td>
<td>.60</td>
<td>.28 1.29</td>
</tr>
<tr>
<td>Previous incarceration</td>
<td>-.36</td>
<td>.39</td>
<td>.82</td>
<td>.36</td>
<td>.70</td>
<td>.33 1.51</td>
</tr>
<tr>
<td>High crime neighbourhood</td>
<td>-.30</td>
<td>.46</td>
<td>.43</td>
<td>.51</td>
<td>.74</td>
<td>.30 1.81</td>
</tr>
<tr>
<td>Constant</td>
<td>.86</td>
<td>1.09</td>
<td>.61</td>
<td>.43</td>
<td>2.35</td>
<td></td>
</tr>
</tbody>
</table>

Significant items from the logistic regression are further examined using cross-tabulation analysis.
Offender Strengths

This item aggregated individual ORNI items relating to: employed when arrested, expresses an interest in programs or activities or interests which will assist in the development of, or enhance, existing working skills, any other factors that will assist an offender in adopting an offence-free lifestyle and/or progress positively through the offender environment, support from non-criminal others or possession of a technical qualification. In the logistic regression analysis, ID offenders were more likely to have lower scores on this item (Wald statistic = 8.93, \( p = .003 \)). Table 4.4 reports the scores achieved by offenders. The higher the score the more supports or strengths the offender possesses. It could be interpreted as a crude measure of social functioning. The scores are collapsed into four categories to aid interpretation. Child sexual offenders are proportionally more likely to score zero than rape offenders (24.9% and 8.2% respectively). Rape offenders were proportionally more likely to score in the medium to higher ranges than ID offenders (60.2% versus 54.7% respectively). Rape offenders, according to these scores, have more supports, motivation or skills to assist rehabilitation, than ID offenders do.

Table 4.15: Rape and Indecent Deal – Child Offenders, Offender Strength Scores

<table>
<thead>
<tr>
<th>Scores</th>
<th>Rape</th>
<th>ID</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Nil</td>
<td>8</td>
<td>8.2</td>
</tr>
<tr>
<td>Low (Score 1-2)</td>
<td>31</td>
<td>31.6</td>
</tr>
<tr>
<td>Medium (Score 3-4)</td>
<td>44</td>
<td>44.9</td>
</tr>
<tr>
<td>High (Score 5-7)</td>
<td>15</td>
<td>15.3</td>
</tr>
<tr>
<td>Totals</td>
<td>98</td>
<td>15.3</td>
</tr>
</tbody>
</table>

Ethnicity

Table 4.5 details offenders’ ethnicity. Offender’s ethnicity was collapsed into Indigenous and Non-Indigenous categories. The Indigenous definition included prisoners self-described during the assessment as “Aboriginal”, “Urban” or “Tribal Aboriginal”, or “Torres Strait Islander”. Aboriginal and Torres Strait Islander people are relatively less likely to be imprisoned for child sexual offences (12.2% compared to 46.9% for rape). Cultural factors such as a traditional abhorrence to child/adult sexual contact might account for this situation. Also, adult women may supervise children closely if there is a possibility of child abuse. Nevertheless, the relatively low rate of child sexual abuse must be interpreted with extreme caution in view of government commissioned reports on sexual abuse which describe child sexual abuse at epidemic levels (for example, see the “Little Children are Sacred Report” by Wild & Anderson, 2007). Indigenous males are significantly overrepresented as
perpetrators of rape (nearly 47% of rape offenders in this study) in terms of their numbers in the community of 3.1% of the Queensland population (Office of Economic and Statistical Research Information Brief; 2001).

Table 4.16: Ethnicity of Rape and Indecent Deal – Child Offenders

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Rape</th>
<th></th>
<th></th>
<th>ID</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td></td>
<td>N</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Indigenous</td>
<td>46</td>
<td>46.9</td>
<td>22</td>
<td>12.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Indigenous</td>
<td>52</td>
<td>53.1</td>
<td>159</td>
<td>87.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>98</td>
<td></td>
<td></td>
<td>181</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Substances Used at Offence**

Table 4.6 presents the self-reported use of substances at the time of the offence. The item as posed in the ORNI does not measure the degree of intoxication or the type of intoxicant used. According to the ORNI, rape offenders are proportionally more likely to report using substances at the time of the offence (72.4%) than indecent dealing offenders (33.7%). While substance usage prior to offending does not establish a direct cause, its role as a facilitator of rape can be speculated.

Table 4.17: Substances Used at Offence, Rape and Indecent Deal Offenders

<table>
<thead>
<tr>
<th>Substance used at offence</th>
<th>Rape</th>
<th></th>
<th></th>
<th>ID</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td></td>
<td>N</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>71</td>
<td>72.4</td>
<td>61</td>
<td>33.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>27</td>
<td>27.6</td>
<td>120</td>
<td>66.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>98</td>
<td></td>
<td></td>
<td>181</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Age of Rape and Indecent Deal Offenders**

Table 4.7 reports the age of the offenders at the time of their ORNI assessment. This variable was calculated by subtracting date of birth from date of assessment. Since the ORNI does not record the offenders’ age at the time of the offence most likely, a year or two has elapsed between offence and sentencing. In addition, offenders who have remained at large for extended periods before apprehension will have misleading age data recorded. However, in the researcher’s personal ORNI assessment experience 95% to 98% of offenders will be assessed with 18 months of the commissioning of the offence. With these caveats in mind, rape offenders are generally younger than indecent dealing offenders are, with almost 70% of the latter group aged over 40, compared to 28.6%
for rape offenders. Almost 32% of rape offenders are under the age of 30, compared to 6.7% of ID offenders. The rape offenders in this analysis are older than the average reported in the literature (see Section 2.4). Moran (1992) reported in her review of police statistics that 38.6% of Queensland rape offenders were aged 17 to 25.

Table 4.18: Offenders’ Age (at Assessment)

<table>
<thead>
<tr>
<th>Age</th>
<th>Rape</th>
<th>ID</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>17-24</td>
<td>15</td>
<td>15.3</td>
</tr>
<tr>
<td>25-30</td>
<td>17</td>
<td>17.3</td>
</tr>
<tr>
<td>31-39</td>
<td>38</td>
<td>38.8</td>
</tr>
<tr>
<td>40 plus</td>
<td>28</td>
<td>28.6</td>
</tr>
<tr>
<td>Totals</td>
<td>98</td>
<td>181</td>
</tr>
</tbody>
</table>

4.4 Summary and Conclusions

This study examined the role of situational factors in rape by analysing prisoner induction data from the Offender Risk Needs Inventory (ORNI). An ORNI is completed on prisoners at induction into the correctional system and collections information on areas ranging from their involvements with the criminal justice system, housing, substance abuse histories, ethnicity, age, deprivation and childhood abuse. The ORNI contains a wealth of information on imprisoned offenders. The purpose of the study was to compare rape offenders with prisoners convicted of child sexual offences, grievous bodily harm and burglary offences, across a range of sociodemographic, criminal, substance abuse, employment and situational variables. The focus of the research was to investigate if:

- The situations surrounding violent offences differ from rape offences?
- The situations surrounding child sex offences differ from adult rape offences?
- The situations surrounding property offences differ from rape offences?
- If rape offenders are a special case?

The data were analysed with logistic regression, t-tests and cross-tabulations to explore the research questions. The results indicate that the rape offenders could be distinguished from the three other offence groups and the results can be interpreted from a situational perspective. In addition, in most cases rape offenders did not emerge from the study as a special case. Overall, the results indicate that situational factors are significant components of rape (and the other offences). Table 4.19 summarises the results of the three logistic regressions used to compare ID, GBH and Burglars with rape
offenders. Overall, 77% of the rape and comparative groups were correctly classified, but the analyses were better able to correctly classify the non-rape cases with an average of 92% correctly categorised compared to the average of 41% of rape offenders.

Table 4.19: Summary of Classification Analyses

<table>
<thead>
<tr>
<th>Analysis</th>
<th>Overall Correct %</th>
<th>Non-Rape Offence Correct %</th>
<th>Rape Correct %</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID &amp; Rape</td>
<td>80</td>
<td>89</td>
<td>64</td>
</tr>
<tr>
<td>GBH &amp; Rape</td>
<td>72</td>
<td>94</td>
<td>18</td>
</tr>
<tr>
<td>B&amp;E &amp; Rape</td>
<td>80</td>
<td>94</td>
<td>40</td>
</tr>
<tr>
<td>Average</td>
<td>77</td>
<td>92</td>
<td>41</td>
</tr>
</tbody>
</table>

Table 4.20 summarise the individual independent variables in terms of their significance across the three logistic regressions. A “Y” indicates that the result was significant in the logistic regression analysis. A number of interesting statistics emerged from the data with situational implications. Two variables, Age and Ethnicity, were significant in two of the studies, substance abuse and previous incarcerations were significant in two of the analyses (ID and burglary, and GBH and burglary), while four variables were significant in one analysis only: criminal history items, other offender-related deprivation issues, offender strengths and substances used at the offence). Housing needs, juvenile delinquency, high crime neighbourhood and recreational issues did not discriminate between the groups. With regard to age, the results can be interpreted from a situation perspective, particularly from a routine activity viewpoint. For example, rape offenders were younger than were ID offenders. Almost 70% of ID offenders were aged over 40 compared to almost 29% of rape offenders. In routine activity terms, rape offenders were more likely to be “out and about” socialising or dating and would be expected to encounter potential victims. They are also of an age where hormonal factors would render them at higher risk of sexual offending (Marshall and Barabee, 1984). In terms of routine activity theory hormonal factors most likely function as an accelerant to pre-existing criminal motivations. By comparison 93% of ID offenders were older than 31 (70% were over 40) these are the ages when men have increased and easier access to children via parenting, step-parenting, or as grandparents. Perhaps their decreasing libidos are compensated by easier victim access.

Ethnicity emerged in all three logistic regression analyses as a significant predictor variable. Indigenous men accounted for 47% of the rapes in this study (Table 4.5, Table 4.10 and Table 4.16 respectively). It could be speculated that cultural factors might be responsible for the lower child assault arrest rate among compared to adult rapes, or adult sexual offences are reported less.
However, from a situational perspective there may be fewer opportunities to engage in this type of offending. For example, Lloyd and Rogers (1993) report that indigenous rapes commonly occur in the context of “benders” where both victim and perpetrator are heavily intoxicated. Children might be removed from the immediate vicinity where benders are occurring by non-drinking relatives and kept away from intoxicated men. In routine activity terms, they are unlikely to be left unguarded. It is also noteworthy, that being intoxicated at the time of the offence did not register as a predictor in the ID analysis. Intoxicated offenders are most likely closely surveilled by family or community members and have less opportunity to offend. Offences such as GBH and burglary may not be reported as frequently as rape or prosecuted as vigorously by the criminal justice system.

Rape offenders’ substance abuse can also be interpreted from a situational perspective. For example, 72.4% of rape offenders claimed they were intoxicated at the time of the offence (Table 4.6). This finding is consistent with the results reported by Silverman, et al., (1988) and Warshaw (1988). While the data does not establish a direct causal link between rape and intoxication, substance abuse could be considered a facilitator of the offence. In addition, alcohol consumption is most likely occurring in environments proximal to potential victims. For example, Parks and Miller (1997) reported that a third of women who regularly drank in bars experienced either attempted or completed rape. Although the results cannot indicate the exact role of alcohol in rape, its very magnitude advises that controlling substance abuse may prevent a significant number of rapes. In situational crime prevention terminology, alcohol is a facilitator of rape (Cornish & Clarke, 2003).

Table 4.20: Summary of Variable Significance

<table>
<thead>
<tr>
<th>Variable</th>
<th>ID Significant Predictor in Logistic Regression Analysis</th>
<th>GBH</th>
<th>Burglary</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>3</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>3</td>
</tr>
<tr>
<td>Previous incarceration</td>
<td>Y</td>
<td></td>
<td>Y</td>
<td>2</td>
</tr>
<tr>
<td>Substance abuse items</td>
<td>Y</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Criminal history items</td>
<td>Y</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Other offender related deprivation issues</td>
<td>Y</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Offender strengths</td>
<td>Y</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Substances used at offence</td>
<td>Y</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Housing needs items</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Juvenile delinquency</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>High crime neighbourhood</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Recreational issues</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>
The criminality of the offenders was also evident from the results. Approximately 60% of rape offenders had been previously incarcerated (Table 4.11) and 52% scored in the high range of criminal justice system involvement (Table 4.15). In absolute terms, burglars had higher medium/high criminal item scores than rape offenders (77.5% and 95.3% respectively.) Possible reasons for this could include that burglars may be more likely to receive non-custodial sentences in an attempt by the courts to rehabilitate them. Also, burglars must commit more offences to support a drug habit or support a criminal lifestyle than rape offenders commit rapes. This interpretation is given some support by the finding that 75% of burglars had medium/high substance abuse history scores, compared to 64.3% for rape offenders. Grievous bodily harm offenders were also more likely to have been previously incarcerated than rape offenders (72.9% and 60.2% respectively). These are both offences of violence so the difference in incarceration rates is difficult to explain. Possibly, the rape offenders consist of date, acquaintance and marital offenders who do not have depth of criminality of physically violent offenders. Rape offenders are also likely to fall into two groups – criminals who also commit rape and ‘non-criminals’ who have only committed the rape. Taking average scores masks some of this difference. In any event, rape offenders still have a high exposure to the criminal justice system and are relatively enmeshed in the criminal justice system. In routine activity theory terms, these are motivated offenders. Unfortunately, the ORNI data does not provide information on the range, types of offences or details of offence specialisation.

The non-significant variables from the three studies also provide support for the thesis that rape offenders are not special types of offenders. The IV housing needs items, juvenile delinquency, high crime neighbourhood and recreational issues were not significant predictors in any of the studies. The non-significance of the housing need items (accommodation unsatisfactory, more than three address changes in 12 months prior to incarceration) most likely indicates that offenders are residing in relatively similar types of neighbourhoods and have similar residential mobility patterns. These results offer some support for the notion that offenders are residing in similar SES neighbourhoods and possibly ones that bring them into contact with vulnerable victims. The results may also be influenced by the relatively high number of indigenous offenders in the study (47% of rape offenders were indigenous; see Table 4.10) who may reside in communal and indigenous communities beset with poverty, unemployment, poor living conditions and substance abuse (discussed in Section 2.4). In addition, residing in a high crime neighbourhood was not a significant predictor of group membership. Miethe and McDowall (1993) reported that people living in busy public places, characterised by low SES, have higher levels of violent victimisations because of elevated exposure to potential offenders. Offenders could also not be separated on their history of juvenile delinquency, nor could recreational activities (measuring “too much free time” and “could use time better”).
A number of methodological issues need to be kept in mind when interpreting the data. A major methodological issue related to the sample size. Approximately 62% of the dataset could not be included in the analysis due to missing data. While there was no reason to believe that the missing cases were not random in their distribution the large number of missing cases reduces the confidence with which conclusions can be drawn. A larger sample size might also have revealed differences in effect sizes in the analysis. Another methodological issue related to the quality of the information provided by the offenders during their ORNI assessment. Self-reported information must be considered unreliable given that offenders will have their own strategic reasons for positive impression management.

Despite these limitations, this is possibly one of the few studies that quantifies the role of sociodemographic, criminological and situational factors in rape using Queensland data. The analyses were able to aggregate categorical variables into scores that provide a more accurate representation of rape offenders and their offences. The finding that rape offenders are similar in many key factors to other types of non-sexual offenders lends support for continuing to investigate the link between situational factors and rape. Although, it was not a focus of the study, some observations can be made about the socio-cultural and psychopathological models of rape. These findings provide some support for the notion that rape may have significant situational elements associated with its commissioning.

In the context of the thesis, there is a need to continue investigating rape from a situational perspective. While a secondary database analysis can provide useful insights into rape and rape offenders, it leaves many questions on the *modus operandi* and specific situational factors unanswered. The answers to these questions are to be found in more detailed investigations of rape from different perspectives that allow a much closer analysis than the ORNI can. These issues are examined in the next two chapters.
Chapter 5: Director of Public Prosecutions File Analysis

5.1 Introduction to the Analyses

The findings in the previous chapter lend support to the thesis that rape and rape offenders can be fitted to situational models of crime. However the Offender Risk Needs Inventory (ORNI) did not provide the level of detail necessary to explore the nuances of situations and rape interactions. In addition, the ORNI did not provide information on the relationship status of the offender and victim – if they knew each other prior to offence and what was the situational structure of known and unknown offences. However, prosecution files provide an ideal vehicle to investigate the situational factors of rape in greater depth. Independent experts or professionals (e.g., police and forensic scientists) have collected the file information to the courts’ evidentiary requirements. The information is generally obtained from multiple sources such as victims, witnesses, or forensic and legal experts and describe in detail events before, during and after the offence. Prosecution files used in the District Courts also become the repository for criminal histories, medical, psychiatric and scientific reports, and internal memoranda. As such, they are rich in situational details, such as locations, guardianship and surveillance as well as providing detailed offender and offence information. The richness of the information contained in the voluminous prosecution files should provide significant insights into the role of situational factors involved in rape and their use by rape offenders.

In Chapter 2 it was argued that there was a dearth of comparative information on stranger and non-stranger offences. While most rapes that come to the attention of the criminal justice system are stranger rapes. It could be anticipated that offenders with known and unknown victims will utilise different modus operandi in their offences and their offences are likely to have different situational structures. For example, stranger offenders are likely to use different access approaches than non-stranger offenders. An understanding of the situational structures of offending by offenders with known and unknown offenders will provide greater insights into the offences. These files allowed for the investigation of situational differences between offenders with known and unknown victims. To this end, the following focused research questions addressed in the chapter are:

- Is there evidence of situational factors in rape offences convicted in the District Courts?
- Do the situational factors differ between stranger rapes and non-stranger rapes convicted in the District Courts?

The measures used in this study were informed by the action research model suggested by Clarke (1999). This involves inter alia the examination of official records for patterns that could be used for
situational crime prevention. Situational theory, rational choice, Cornish and Clarke’s (2003) table of situational interventions and routine activity theory (Felson & Clarke, 1998) also guided the selection of measures. For ease of reporting, the measures are recorded in the order of proximal to distal and grouped into similar categories. For example, offenders’ criminal histories are reported in terms of its presence or absence, if there were convictions for non-sexual offences, then sexual offences. This is generally the criminal progression of an offender.

Both focused research questions were explored using a file content analysis of documents used by Office of Queensland Director of Public Prosecutions (DPP) in criminal prosecution of men charged with rape in the District Court. The next section details the procedures that were utilized to address the two research questions.

The current study anticipates that rapes would be influenced by situational factors in their commissioning. It is also anticipated that: 1.) situational factors will be evident in the rapes studied; 2.) Based on the discussion regarding the application of a situational offender typology (see Section 3.4.4) it is anticipated that non-stranger rape offenders will more likely be opportunistic and situational in their offending, while stranger rape offenders will more commonly be predatorily in their offending; This prediction was based on the fact that stranger offenders are likely to have strongly entrenched criminal attitudes and behaviours (Cornish & Clarke, 2003) which would allow them to attack unknown victims and 3.) It is also anticipated that the majority of rape offenders will be criminally versatile with stranger rape offenders having more serious criminal histories (also based on the discussion in Section 3.3).

5.2 Method

5.2.1 Sample

The sample was drawn from rape cases prosecuted by the Director of Public Prosecution (DPP) between 27 March 1994 and 30 August 2004. Every rape case held in the Brisbane Office of the DPP was examined. Of the 153 rape files examined, 34 men had been convicted of raping an adult female victim. These 34 men and their 53 rapes form the basis for this study and represent every case that satisfied the inclusion criteria. Twenty-three of the rapes involved one offence, eight involved two rape offences, one involved three offences, one each of five and six offences. Every rape case file held in the Brisbane Office of the DPP (n = 153) was examined for inclusion in the study; no case that met the inclusion requirement was excluded. Under the research agreement reached with the DPP (discussed in Section 5.2.2) only cases where a perpetrator had been convicted or pleaded guilty to the offence of rape were included in the study. Also excluded from the study were men charged with
rape but not convicted, or charged with rape and convicted of a non-rape offence. Offenders were all over the age of 17, the age of criminal majority in Queensland, and had been sentenced under the *Penalties and Sentences Act* (1994). Sixteen of the sample had been convicted of non-stranger rapes and 18 of stranger rapes. Cases were included only if the female victim was 16 (age of consent in Queensland) or older; if a perpetrator had both child and adult victims, the child case was excluded given the adult victim focus of the thesis and child sexual assaults are likely to involve different situational drivers (see Wortley & Smallbone, 2006). (Thirty-one of the cases examined involved a child victim.) Table 5.1 provides basic demographic information. Their average age was 29.4 (SD = 8.06, range = 20 to 51).

**Table 5.1: Rape Offender Demographic Information**

<table>
<thead>
<tr>
<th>Demographic information</th>
<th>Stranger offender</th>
<th>Non-Stranger offender</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offenders</td>
<td>16</td>
<td>18</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>47.1%</td>
<td>53.0%</td>
<td></td>
</tr>
<tr>
<td>Rapes</td>
<td>29</td>
<td>24</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>56.0%</td>
<td>44.0%</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>M = 27.7</td>
<td>M = 28.3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Range = 21-46</td>
<td>Range = 20-51</td>
<td></td>
</tr>
<tr>
<td>Indigenous</td>
<td>6</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>20.7%</td>
<td>20.8%</td>
<td></td>
</tr>
<tr>
<td>Not completed Year 12</td>
<td>16</td>
<td>16</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>100.0%</td>
<td>88.9%</td>
<td>94.1%</td>
</tr>
<tr>
<td>Employed full-time at time of first rape</td>
<td>4</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>25.0%</td>
<td>33.3%</td>
<td>29.4%</td>
</tr>
<tr>
<td>Never married at time of first rape</td>
<td>8</td>
<td>12</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>50.0%</td>
<td>66.7%</td>
<td>58.8%</td>
</tr>
</tbody>
</table>
The majority of the 153 men charged with rape were not convicted of the offence (Table 5.2). About a fifth of trials resulted in a rape conviction, although 38% of defendants were found guilty of sexual or non-sexual offences, more than a quarter of the trials were abandoned by the DPP with a *nolle prosequi* (prosecutorial decision not to proceed with the case) and one-fifth of cases resulted in “Not Guilty” verdicts. A small percentage of cases (5.2%) are discontinued, for example, where the complainant fails to appear in court or withdraws her complaint. Another 16% of cases resulted in a non-rape sexual crime conviction such as aggravated assault, and 3.2% of the cases were guilty of a non-sexual offence, such as assault. The Criminal Justice Commission (1999) reported that about 45% of rape charges in the higher courts resulted in convictions. This suggests that the sample may not have been representative of prosecuted rape offenders.

<table>
<thead>
<tr>
<th>Trial Outcome</th>
<th>Defendant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Guilty of rape</td>
<td>34</td>
</tr>
<tr>
<td>Not guilty</td>
<td>35</td>
</tr>
<tr>
<td>Nolle prosequi</td>
<td>45</td>
</tr>
<tr>
<td>Guilty of other sexual offence</td>
<td>25</td>
</tr>
<tr>
<td>Discontinued</td>
<td>8</td>
</tr>
<tr>
<td>Guilty of other non-sexual offences</td>
<td>5</td>
</tr>
<tr>
<td>Hung jury</td>
<td>1</td>
</tr>
<tr>
<td>Totals</td>
<td>153</td>
</tr>
</tbody>
</table>

A brief description of the cases examined is contained in Table 5.3. The descriptions of the circumstances are précised from the court documentation. Where value laden items such as “drunk”, “passed out” and “argument” are used, they have been described by the individuals involved in the case as such. The descriptions have not gone beyond what appeared in official records. The vignettes are provided to illustrate the circumstances of the offences and the events leading to them.
<table>
<thead>
<tr>
<th>#01</th>
<th>The victim (41) and her boyfriend were at home, when the perpetrator (23), a friend of the boyfriend, visited. They all commenced drinking and the boyfriend “passed out” later that afternoon. He remained asleep during the offence. The perpetrator followed the victim to the bathroom, asked her for sex and when she refused, he raped her. The offender had an extensive criminal history, which included violent and sexual offences; he had been imprisoned on previous occasions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>#02</td>
<td>The victim (20) was a university student and the perpetrator (20) was her ex-boyfriend. On the day of rape, he visited her at her flat where she lived alone. They argued, he became violent, dragged her into the bedroom, and raped her. He had no previous criminal history.</td>
</tr>
<tr>
<td>#03</td>
<td>The victim (33) was working as a prostitute in the red light district of Brisbane when the perpetrator approached her and negotiated a consensual sex act. The victim directed him to a vacant block nearby to have sex. He did not have the fee and she refused to have sex so he raped her twice in the car. The offender had a nine-page criminal history for property and violence offences and a history of previous imprisonments.</td>
</tr>
<tr>
<td>#04</td>
<td>The victim (22) was walking to a railway station late one night after completing her shiftwork. The perpetrator (25), a non-medication-compliant schizophrenic, followed her and then dragged her into bushes where she was raped. He said he had a knife. She managed to escape after the offence and notified railway staff immediately. He had convictions for property and drug offences, but not sexual offences. He had not been imprisoned previously.</td>
</tr>
<tr>
<td>#05</td>
<td>A middle aged woman (38) was the victim in this offence. She was a recovering alcoholic. She met the perpetrator (27) at a hotel where they both consumed alcohol and she later accompanied him back to his boarding house, where she fell asleep in his room. He raped her while she was asleep. There were four other men present and saw the rape but did not participate or prevent it. The perpetrator had property offence convictions but had not been imprisoned.</td>
</tr>
<tr>
<td>Offender (n = 34)</td>
<td>Circumstances</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>#06</td>
<td>The victim (44) went to a pub with a girlfriend and met the (stranger) perpetrator (30). They danced and drank together most of the night and he offered to walk her home. On the way home, he forced her into a park and raped her several times. The perpetrator was apprehended a few days later at the pub after a tip off by staff. The perpetrator had a ten page criminal history and had been previously imprisoned.</td>
</tr>
<tr>
<td>#07</td>
<td>The victim (19) was a university student. On the night of the offence, she woke up about 1 am with an unknown man leaning over her with a knife and threatened to kill her if she made any noise. He then raped her twice. The offender (24) was apprehended by a DNA test when arrested for an unrelated offence. He had no criminal history.</td>
</tr>
<tr>
<td>#08</td>
<td>The victim (28) had met the perpetrator (28) previously but they were not in a relationship. He visited her one morning at her unit and they spent most of the day socialising and drinking alcohol. At midnight, he threw a blanket over her and then raped her several times. He had previous convictions for property offences but had never been imprisoned.</td>
</tr>
<tr>
<td>#09</td>
<td>The perpetrator (33) and victim (38) had been in a relationship but it ended a couple of years previously. He called at victim’s house late one night and gained entry by saying his car broke down and needed to call a taxi. Once inside, he bound her with tape he had brought, held a knife to her throat, and raped her twice before leaving. He had minor drug convictions but no imprisonments.</td>
</tr>
<tr>
<td>#10</td>
<td>The offender (47) was related to the victim (55) through marriage and was staying the night with her and her husband. The victim and her husband are both intellectually disabled. The couple slept in separate bedrooms. The perpetrator entered the victim’s room late at night and tried to initiate sexual intercourse. She resisted and he raped her twice. He had no criminal history.</td>
</tr>
<tr>
<td>#11</td>
<td>This offender committed three rapes on his two victims. He used the same <em>modus operandi</em> in both cases. On two separate occasions the perpetrator (26) broke into houses early in the morning, awoke victims (18 and 20), and threatened them with a knife. Both victims lived alone. One victim was able to identify the perpetrator from a mug shot. The offender had a criminal history for property and drug offences but no sexual offences. He had not been previously imprisoned.</td>
</tr>
<tr>
<td>Offender (n = 34)</td>
<td>Circumstances</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------</td>
</tr>
</tbody>
</table>

**#12** The victim (27) was working as a prostitute when approached by the (stranger) offender (38) and agreed to accompany him back to his residence, where she was raped. Afterwards he drove her back to town and she noted his car registration number. She complained to a friend and police were involved almost immediately. He had convictions for offences of violence and fraud; previously imprisoned.

**#13** Victim (age 16) was sister of perpetrator’s (26) then girlfriend. He had organised for the victim to help him buy a present for her sister. He drove her to a park, held a razor to her throat, forced her into backseat of the car, and raped her. The victim contacted the police immediately after the offence. The perpetrator had extensive criminal history for sexual and violence offences.

**#14** Victim (18) was on a railway station late one night when approached by the (stranger) perpetrator (26) and he asked for timetable information. The victim went to phone for a taxi, but he followed, knocked her unconscious and then abducted her. He drove (in his car) to a vacant lot and raped her several times. His criminal record had a few entries for drug and assault offences but no sexual offences; previously imprisoned.

**#15** The victim (16) was taking a shortcut through a park one afternoon after school. The perpetrator (age unknown) attacked and raped her in the park. Victim identified him from mug shots, but unknown if previously imprisoned. (Incomplete file.)

**#16** On the day of the offence, the (stranger) offender (26) was drinking in the pub most of the day. He was to pick his son up from primary school that afternoon. He arrived late and to find both students and staff had left. He wandered around the school until he found a female cleaner (64), and briefly talked to her before leaving. A short time later, he returned, dragged her into a room and raped her. The offender had criminal convictions for shoplifting and being found in a female toilet but no imprisonment.

**#17** The perpetrator (23) committed three rapes. On first occasion, he went to his cousin’s (early 20’s) share house and asked if he could speak to her privately in her bedroom. He threatened her with a knife and raped her twice on the bed. She called the police as soon as he left.
He then drove to a shopping centre car park and observed a car with its bonnet open. He asked the woman driver (24) if he could help. He forced her into the car and ordered her to drive to a lonely road. He threatened her with a knife before raping her. He had a two-page criminal history with property, violent, arson but no sexual offences: previous imprisonments. This was the only case found of an offender with both stranger and non-stranger victims.

#18  The victim was a young woman walking home alone from a sporting event in the evening. She was taking a shortcut through a park. She was attacked as she walked along a dry creek bed. The perpetrator, a stranger, (25) knocked her to the ground and raped her. He told her he had a knife. The offender was an illiterate, paranoid schizophrenic; he was identified from mug shots. He had previous convictions for theft and assault but no previous sexual offences. He had no prior imprisonments.

#19  The victim was an elderly woman (60). On the day of the offence, the perpetrator (30) was drinking heavily and quarrelled with his partner. He then left the house and went to his brother’s house where he consumed another 12 drinks. He next went to his victim’s house (who he knew) at about 2.30 in the morning, broke in, and raped her. He went home, woke up next morning, prayed for forgiveness, told his wife, who told him to get out, then went to his victim’s house and apologised. He later went to the police station and confessed to the offences although the victim had not complained. The perpetrator had extensive history of sexual offences and was on parole for a sex offence at the time.

#20  The two victims (25 and 28) were living together, after one of the victims had ended a relationship with the perpetrator (27). They were sleeping in the same room when the balaclava-disguised perpetrator armed with a baseball bat woke them. He ordered them to undress and assaulted them with the baseball bat. He raped both women. His previous offences were for drugs and break and enter, ten years previously but he had not been imprisoned.

#21  The perpetrator (32) was estranged from his wife (30) after nine-year marriage. She was living in a refuge with their four children at the time of the offence. The relationship had been violent. They attended a football match together, and went to a BBQ where they
consumed alcohol before going back to his apartment. They argued and he raped her. He had no previous convictions. She tried (unsuccessfully) to have a non-custodial sentence imposed.

#22. This victim was a 19-year old university student living at home with her parents. She was woken very early one morning to find the unknown perpetrator (21) standing over her bed. He asked if she wanted to make love and told her not to look at him and that he had a gun. He raped her in the bedroom. The perpetrator had previous convictions for assault, unlawful use of motor vehicles, breaks, and enters; he had been previously imprisoned.

#23 The victim (30) was living in a flat in a high crime neighbourhood. She had retired to bed and on hearing a noise, wrapped a towel around her, went to the on-site supervisor’s unit, and knocked on the door. There was no answer but another man came out of a nearby flat and asked if he could help. With a towel still wrapped around her, she went downstairs onto the street with the flatmate and met another man (23) on the street. She explained the problem and the three of them went upstairs. The man threatened the flatmate to make him leave, which he did. After the woman refused his request for sex, he raped her. The flatmate phoned the police on being threatened and the perpetrator was apprehended almost immediately. The offender had criminal history entries for property assault and one sexual offence; previously imprisoned.

#24. The perpetrator (32) met a young couple (both mid-20s) on the street of a city he was visiting, he struck up a conversation with them and they spent the day in the pub. He later invited them back to his motel room, where he raped both at gunpoint. The perpetrator was on parole at time of offence and has lengthy, serious criminal/sexual offence history.

#25. The perpetrator (33) was on parole for false pretences at time of his three offences. He was staying with friends and had been drinking. He asked the victim (22) to drive him to a friend’s house, directed her down a lonely road and pulled out a knife and raped her. He had an extensive police record for property, assault and drug offences, but no sexual crimes.

#26 This perpetrator (24) committed three rapes. The first one involved his mate’s girlfriend (23). He went to her house and asked her to drive him to her boyfriend’s house, but he
<table>
<thead>
<tr>
<th>Offender (n = 34)</th>
<th>Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td>was not home. He then asked her to drive him to his marijuana plantation in a state forest where he raped her.</td>
<td></td>
</tr>
<tr>
<td>The next rape was 14 days later. He was dropping friends off in his car until he was alone with the victim (25). He drove to a lonely road and raped her. He then dropped her at home.</td>
<td></td>
</tr>
<tr>
<td>The third rape was also in a car. He went to a friend’s house (who was not there) and told the friend’s mother that he wanted to buy her son’s car. He organised a test drive accompanied by the friend’s sister (17). He drove her to a lonely road and raped her. After he was arrested for this offence, the other two victims came forward. He has criminal convictions for sex, violence and property offences, and had been previously imprisoned.</td>
<td></td>
</tr>
<tr>
<td>#27 The perpetrator (19) and the victim (19) had been in a <em>defacto</em> relationship but it had broken up. They were living as flatmates but leading separate lives. On the morning of the rape, she had been out with friends, came home, and went to bed. The offender commenced raping her while she was asleep. He had no previous convictions.</td>
<td></td>
</tr>
<tr>
<td>#28 The 50-year-old perpetrator and his friend (52) had dated a few times but they had not been intimate. On the evening of the offence, while driving her home he diverted to lonely road and raped her. He had a criminal history for false pretence type offences but no imprisonments.</td>
<td></td>
</tr>
<tr>
<td>#29 The perpetrator (32) and victim (26) had been in <em>defacto</em> relationship but had separated. He was residing with her temporarily because he was homeless. On the night of the rape, they attended a wedding and he became “very drunk”. When they got home, he became very abusive towards his ex-partner. He assaulted and raped her in the bedroom, before falling asleep. He has a history of violence with convictions for assault police and assault occasioning bodily harm. He had been previously imprisoned.</td>
<td></td>
</tr>
<tr>
<td>#30 The victim (24) and the perpetrator (22) were on their first date. They went to a disco and both consumed a large amount of alcohol. The perpetrator and victim returned to her apartment at about 3 a.m. They kissed and petted but she refused to have intercourse so he</td>
<td></td>
</tr>
<tr>
<td>Offender (n = 34)</td>
<td>Circumstances</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>raped her and left immediately. He had an extensive criminal history mainly for property offences and was previously imprisoned.</td>
<td></td>
</tr>
</tbody>
</table>

#31 The victim (25) and perpetrator (27) had known each other for three years but were not in a relationship. On the day of the offence, the victim and perpetrator were drinking most of the day together. The perpetrator drove the victim to a lonely forestry track and raped her. He had previous convictions for drug but not sexual offences; he had never been imprisoned.

#32 The victim (25) and perpetrator (28) were living in a de facto relationship. On the morning of the offence, the couple argued. She left the house after he assaulted her. When she returned later in the morning, he threatened to kill her and then raped her. His only previous convictions were two drug offences.

#33 These offences involved the serial rape of six elderly women (all over age of 60) by 45-year old perpetrator with the same *modus operandi*. He broke into his victims’ flats and raped them over a 14-month period. All victims lived alone and the offences occurred between 11 pm and 5 a.m. He was the subject of an intensive police operation and was identified through DNA. He had a previous conviction for wilful exposure but no imprisonment.

#34 The victim and her partner were in Brisbane on a camping holiday. They were (illegally) camped in a lonely section of a public park that was frequented by vagrants. The perpetrator (28) and his two friends had been drinking heavily and smoking cannabis most of the day, when they saw the victim and her partner. They decided to rape the woman. They assaulted the victim’s elderly male friend and gang raped her. The main perpetrator had a property and assault offence history but no sexual offences; previous imprisonment. There were no details on the other two offenders on file.
5.2.2 Procedure

Approval from the Griffith University Research Ethics Committee and the Director of Public Prosecutions was secured before the study commenced. Under the DPP agreement and for privacy related reasons, only minimal information could be collected on victims/complainants or defendants/perpetrators where a verdict other than “Guilty of rape” was returned or where the victim was a child. In accordance with the DPP agreement, non-rape cases and offenders were not reported beyond basic descriptors, such as trial outcome, victims’ age and occupation. To the best of the researcher’s knowledge, the DPP files had not been used for research purposes previously and the agency position was informed by privacy and legal concerns relating to the reporting and analysis of sensitive information.

Files from the DPP archive were supplied in batches of five to the researcher from the master list generated by the DPP file clerk. All file examinations were conducted in the DPP office/storeroom. No file was taken from the premises or photocopies made of any part of the file. On receiving a file, the DPP identification number, court date and defendant’s date of birth was first recorded. The file was then scrutinised for the verdict. Only proven rape cases involving adult female victims were retained for further analysis; all other files were discarded. “Guilty” files were then carefully read. Data was recorded in longhand on writing pads in the sequence it appeared in the file, using the structured data collection instrument as a guide. Information was recorded verbatim where possible and usually multiple versions of the same situation (for example, using police, victim, and witness statements or court transcripts) were recorded to enhance accuracy. Six to eight pages of notes were usually taken. The information used in the chapter was distilled from an estimated 20,000 pages of transcripts. Data collection commenced on 23 January 2001 and was complete on 5 August 2003.

Data Analysis

The DPP data access protocols limited data access to the researcher only. This limited the options for data validation but processes to ensure accuracy were required. To ensure accuracy, data was drawn from several sources in the prosecution file. For example, details of the offence were collected from victim, witness, and police statements. If discrepancies in the reports were evident, the official version was used for data collection. Discrepancies on the information collected proved rare, for example, in only two of the guilty cases examined did the perpetrator deny sexual intercourse had occurred; defence centred on consent. DNA, scientific and medical testing could readily establish if intercourse had taken place. Most of the data collected was not contentious and could be expected to have a high truth-value. For example, the location of the offence, the time, and the criminal history of the offender were rarely disputed in the files examined.
Data Coding

The data from the DPP file content analysis was first recorded via longhand on writing pads. The information was transcribed in the order it was discovered on file. The structured data collection instrument was consulted at the end of each file recording session to ensure that the appropriate data was collected. After the data was recorded in longhand, it was summarised on a Microsoft Word file, both handwritten and Word copy were retained. The data was then recorded on a Statistical Package for the Social Sciences version 10.01 (SPSS V 10.01) data file for statistical analysis.

5.2.3 Materials and Measures

A structured data collection instrument was designed to help ensure the relevant information was recorded (Appendix 3). Recording information sequential on questionnaire style documentation was unwieldy given that the required information was scattered throughout the file. To ensure relevant information was collected the structured data collection instrument was consulted while reading the file. This instrument acted as a checklist after reading each file to ensure the necessary information was collected. In practice, this proved to be a quite workable solution for extracting data required for the study from disparate parts of the file.

The first section of the structured data collection instrument questionnaire was focussed on court and offender details. It collected information on trial outcome, the sentence imposed by the court, and type of rape (stranger or non-stranger). The second section explored non-intrusive victim variables including brief demographic and situational details. The third section sought information on situational factors present or proximal to the offence, such as descriptions of the offender’s immediate prior behaviour to the rape, and the location of the initial contact site (ICS). The fourth section collected information on situational factors pertaining to the offence and the final section collected post offence information, such as actions taken to avoid arrest.

Choice of variables

The variables used in this study represent a wide range of sociodemographic variables, criminal justice involvement and activities undertaken prior to, during and after the offence. The variables used in the analysis have situational utility and are capable of providing greater insight into situational factors involved in offending. Some of the variables situational utility is self-evident, such as in the intoxication status of the offender prior to offending, while others such as the offenders’ age may appear to have less situational utility. However, younger offenders are likely to be undertaking activities (dating/socialising) that potentially bring them in contact with potential victims, and
potentially provide the basis for preventative programs. The situational relevance of significant variables is explored in the discussion.

Stranger and non-stranger comparisons were used to provide insights into different situational structures of their offences. Although most rapes are committed by known offenders (discussed in Section 2.3) the stereotypical rape offender in the public mind is the stranger rapist (see Section 1.1) and this perception most likely guides public policy. Comparing stranger and non-stranger offenders has the potential to provide the basis for preventative interactions. In addition, as the literature is relatively silent on differences between the two types of offenders in terms of their modus operandi and use of situational factors in their offending comparing the two groups should provide greater insights into their offending. It has been argued in the literature review of this thesis that rape is more an offence motivated by criminality than deviancy but it remains speculative how the groups may differ. For these reasons, comparisons across a range of sociodemographic, criminal and situational variables are considered important.

**Offenders’ Demography and Offence Histories**

This information was recorded directly from the offenders’ prosecution files. The information obtained included: offender’s age; ethnicity; highest level of education; relationship status; employment status at time of offence; previous offence history; probation supervision; property offence history; previous violence history; conviction for weapons offence; and previous sexual offence history. The data was recorded and coded according to the data-recording sheet (see Appendix 4). In addition, the type of rape, stranger or non-stranger was recorded to allow for comparison across the situational variables.

**Pre-Offence Issues**

Data were collected on the proximal circumstances and behaviours prior to the offence occurring. This included a description of the initial contact site, the offenders’ activities immediately before, intoxication status and indications the rape was planned.

**Offence Related Situational Variables**

Information was also collected on situational and criminal factors proximal to the offence. These included how the offender accessed his victim, how she was subdued, if weapons were used, the
degree of physical force, if any surveillance was present and the duration of the rape. Information on victim selection could not be deduced from file data and was not collected.

**Post Rape Variables**

The items developed to address these variables were: Activities to reduce arrest; indications of evidence destruction; how the offender decamped from the rape site; what the rape offender did after the offence; and how the police became involved.

**Victim Characteristics**

The data able to be collected on victims were constrained by the ethical agreement with the DPP. Briefly, any data, which could prove invasive, identify victims or others involved in the rape was not to be collected. As the focus of the thesis was on situational factors, this restriction was not considered significant to its overall intent. The information obtained included: the victims’ age, her occupation and reason for being at the initial contact site (ICS). No other victim data were collected in accordance with the confidentiality agreement.

**5.3 Results**

This section details the results of the analysis performed to address the overarching and subsidiary research questions proposed. The results are reported descriptively in cross-tabulation format, with chi-square or t-test analysis to examine the differences between stranger and non-stranger offenders. Estimates based on five or fewer responses were considered unreliable and were not tested for statistically significant differences between the two groups. The statistical analyses presented in this chapter exclude cases where it was not possible to classify responses; hence, the number of cases varies between the tables.

The first results reported are the offenders’ demographic and offences histories (commencing at Section 5.3.1). Section 5.3.2 reports on issues offenders factors such as educational and employment status. The third set of results (Section 5.3.4) reports to offenders’ pre-offence behaviour. The fourth set of results (Section 5.3.5) reported relates to the offence related factors such as victim access method. The fifth set of results (Section 5.3.7) reported are the post rape behaviour of the offender such as decamping method, and behaviour after the rape. The final results section concludes with brief victim descriptive data information (Section 5.3.8). The results section contains also case vignettes for illustrative purposes. These vignettes serve to place the rape offender and the offence in context.
5.3.1 Demographic Histories

Age

Table 5.4 details the age of the convicted rape offenders at time of offence. Where an offender was convicted of multiple offences, his age at the first offence was reported. The majority of all the offenders (73.5%) are under the age of 30, three-quarters of stranger and 72.2% of non-stranger offenders. This offers support for a routine activity theory interpretation of the offence, as young men are more likely to be engaged in activities, such as dating and socialising, which bring them into contact with potential victims. The Pearson Chi-Square test found no significant association between the type of offender and their age, producing a p value of 0.85. (A t-test on the individual ages of the two groups’ of offenders returned a non-significant p value of 0.68.)

Table 5.4: Rape Offenders’ Age at Time of First Index Offence

<table>
<thead>
<tr>
<th>Age</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Under 30</td>
<td>12</td>
<td>75.0</td>
<td>13</td>
</tr>
<tr>
<td>30 and over</td>
<td>4</td>
<td>25.0</td>
<td>5</td>
</tr>
<tr>
<td>Totals</td>
<td>16</td>
<td></td>
<td>18</td>
</tr>
</tbody>
</table>

$\chi^2 (df=1) = 0.03, p > .85$

Rape Offenders’ Ethnicity

Table 5.5 details the ethnicity of the two groups of offenders. Although Indigenous offenders accounted for 26% of all rape offenders and were proportionally more likely to be stranger offenders (31.3%) than non-stranger (22.2%) the Pearson Chi-Square test returned a p value of 0.55, indicating that there was no association found, and that variables are independent.

Table 5.5: Rape Offenders’ Ethnicity

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Non-Indigenous</td>
<td>11</td>
<td>68.8</td>
<td>14</td>
</tr>
<tr>
<td>Indigenous</td>
<td>5</td>
<td>31.3</td>
<td>4</td>
</tr>
<tr>
<td>Totals</td>
<td>16</td>
<td></td>
<td>18</td>
</tr>
</tbody>
</table>

$\chi^2 (df=1) = 0.51, p = .55$
Relationship Status of Rape Offenders at Last Offence

Table 5.6 reports the offender’s relationship status at the time of their last offending. The majority of all rape offenders (73.5%) were not in a relationship when they offended. Although stranger rape offenders were proportionally less likely to be in a relationship, 68.8% compared to 77.8% of non-stranger offenders, the Pearson Chi-Square test returned a $p$ value of 0.55.

Table 5.6: Relationship Status of Convicted Rape Offenders

<table>
<thead>
<tr>
<th>Relationship status</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Not in relationship</td>
<td>11</td>
<td>68.8</td>
<td>14</td>
<td>77.8</td>
<td>25</td>
<td>73.5</td>
</tr>
<tr>
<td>In a relationship</td>
<td>5</td>
<td>31.3</td>
<td>4</td>
<td>22.2</td>
<td>9</td>
<td>26.5</td>
</tr>
<tr>
<td>Totals</td>
<td>16</td>
<td></td>
<td>18</td>
<td></td>
<td>34</td>
<td></td>
</tr>
</tbody>
</table>

$\chi^2 (df=1) =0.36, p = 0.55$

5.3.2 Offender Factors

Highest Level of Education

Table 5.7 presents the educational achievements of the offenders. There was insufficient information on file to categorise the educational achievements of 41.2% of all offenders (eight stranger offenders and six non-stranger offenders) although the missing data appeared to be distributed randomly between the two groups. Typically, when an offender readily admits his guilt, the police collect less detailed background information. On the information available for the 20 offenders, a large majority (85%) had at least some high school education. Offenders with known victims (91.7%) were more likely to have higher educational levels than stranger offenders (75%) were. Results with five or fewer responses were held as generally unreliable so testing for statistically significant differences between the groups was not undertaken.

Table 5.7: Highest Education Levels of Convicted Rape Offenders

<table>
<thead>
<tr>
<th>Education level</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Some secondary or higher</td>
<td>6</td>
<td>75.0</td>
<td>11</td>
<td>91.7</td>
<td>17</td>
<td>85.0</td>
</tr>
<tr>
<td>Primary school (grades 1-7)</td>
<td>2</td>
<td>25.0</td>
<td>1</td>
<td>8.3</td>
<td>3</td>
<td>15.0</td>
</tr>
<tr>
<td>Totals</td>
<td>8</td>
<td></td>
<td>12</td>
<td></td>
<td>20</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Employment Status

Table 5.8 presents the offenders’ employment status at the time of their last offence in their current series of offences. A slight majority (52.9%) of all offenders were in some type of employment, studying or receiving government benefits. Non-stranger offenders were proportionally more likely to be employed (61.1%) than stranger offenders with 43.8% unemployment rate. The Pearson Chi-Square test was not significant at \( p = .31 \).

<table>
<thead>
<tr>
<th>Employment status</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Unemployed</td>
<td>9 56.3</td>
<td>7 38.9</td>
<td>16</td>
</tr>
<tr>
<td>Employed, students, benefits</td>
<td>7 43.8</td>
<td>11 61.1</td>
<td>18</td>
</tr>
<tr>
<td>Totals</td>
<td>16</td>
<td>18</td>
<td>34</td>
</tr>
</tbody>
</table>

\( \chi^2 (df=1) =1.03, p = .31 \)

Usual Employment

Table 5.9 presents the usual occupation of the 34 offenders before their arrest for their last rape offence. There was no information on file in 52.9% of all cases examined. Typically, unemployed offenders were recorded on file simply as “unemployed” without further information provided as to their usual occupation. In some cases the occupation could be established for the unemployed (e.g., an unemployed labourer), hence the difference in the rate reported in the table immediately above. The missing data allows few conclusions to be drawn. Based on the information presented there is weak evidence that most offenders held unskilled or semi-skilled occupations when they were in employment. Because the majority of cases could not be categorised, statistical analysis testing for differences between groups was not undertaken.
Table 5.9: Usual Employment of Rape Offenders

<table>
<thead>
<tr>
<th>Usual Occupation</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Not stated</td>
<td>10</td>
<td>62.5</td>
<td>8</td>
</tr>
<tr>
<td>Unskilled, semi-skilled, pensioner</td>
<td>6</td>
<td>37.5</td>
<td>8</td>
</tr>
<tr>
<td>Student</td>
<td>0</td>
<td>0.0</td>
<td>2</td>
</tr>
<tr>
<td>Totals</td>
<td>16</td>
<td></td>
<td>18</td>
</tr>
</tbody>
</table>

Psychiatric History

Table 5.10 reports on the psychiatric history of the offenders. According to information on the DPP files, 11.8% of rape offenders had received psychiatric or psychological treatment at some time in their lives. If the file indicated the offender was diagnosed by a medical health professional with a Diagnostic and Statistical Manual - IV (American Psychiatric Association, 1994) condition, such as schizophrenic, depressed, or had been treated for a psychiatric condition, or treated for substance abuse, he was scored for this item. The interpretability of this data is compromised by the large number of cases (23.6%) that could not be scored because of an absence of information.

Because almost a quarter of the cases had missing data and the “Yes” cases accounted for 11.8% of the total, there was no testing for significance difference between the two groups.

Table 5.10: Previous Psychiatric/Psychological Conditions by Offender

<table>
<thead>
<tr>
<th>Psychiatric Treatment</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>No</td>
<td>9</td>
<td>56.3</td>
<td>13</td>
</tr>
<tr>
<td>Yes</td>
<td>2</td>
<td>12.5</td>
<td>2</td>
</tr>
<tr>
<td>Insufficient information</td>
<td>5</td>
<td>31.3</td>
<td>3</td>
</tr>
<tr>
<td>Totals</td>
<td>16</td>
<td></td>
<td>18</td>
</tr>
</tbody>
</table>

Situational Typology

All 53 rape offences were classified according to a situational typology (Wortley & Smallbone, 2006), (discussed in Section 3.4.4, see also Table 3.1). The unit of analysis shift from offenders to offences allows each offence to be classified. If offenders indicated that they had planned the rape, stated they were hunting for victims, or were serial rapists or described themselves as such, they were defined as
predatory rape offenders. Opportunistic rape offenders were defined as being sexually indiscriminate, who seize opportunities if and when they present, while the situational offender reacts to transient or difficult circumstances and frequently committed in the heat of passion. Twenty percent were assessed as predatorily offenders who were aroused by rape and sought it out. Typically, serial rape offenders represent these offenders. Opportunistic offenders, the type of offender who seizes chances as they present represent the largest category of offenders (60%). Situational offenders make up the remaining 20%. Their rapes may be triggered by situational circumstances like domestic dispute. The prosecution documentation may paint a worse case scenario and present most offenders as predatorial type offenders to secure convictions.

Specifically, predators were classified as such if they met the following criteria:

- Had convictions for previous rape offences (i.e., serial offenders)
- Possessed a well entrenched criminality characterised by previous incarcerations or high exposure to the criminal justice system
- Actively planned the offence
- Actively manipulated the environment to commit the rape
- Expended considerable effort to facilitate the rape
- Actively sought out victims

Opportunistic offenders were characterised by:

- A low level or occasional criminality
- Generally socially conforming
- Date/marital/acquaintance rapes (unless committed by predator type offender)

Situational offenders were identified by:

- Impulsive offences
- Overcome by temptation
- Temporary failure of self-control
- Offences where the motivation is supplied by the situation
- Offences that are isolated events in a generally law abiding lifestyle
Table 5.11: Offenders’ Situational Typology

<table>
<thead>
<tr>
<th>Type of Rape Offender</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Predator</td>
<td>22</td>
<td>75.9</td>
<td>12</td>
</tr>
<tr>
<td>Opportunistic/mundane</td>
<td>7</td>
<td>24.1</td>
<td>9</td>
</tr>
<tr>
<td>Situational</td>
<td>0</td>
<td>0.0</td>
<td>3</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td>24</td>
<td>53</td>
</tr>
</tbody>
</table>

Length of Sentence

Table 5.12 presents the length of sentence imposed for the 53 rape offences (M = 10.1 years, SD = 4.9 years, range = 6 months to 20 years). Stranger rapes attracted the longest sentences with 71% of offences receiving ten or more year’s imprisonment, compared to 31.8% for non-stranger rapes. The lowest sentence was in a marital case rape where the victim tried to have a non-custodial sentence imposed (Case #21) and one of the heaviest sentence was in Case #20 where the victim’s ex-partner attacked her and her friend with a baseball bat, severely injuring them before raping both women.

Table 5.12: Length of Sentence

<table>
<thead>
<tr>
<th>Length of sentence</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>&gt; 5 years</td>
<td>2</td>
<td>6.5</td>
<td>8</td>
</tr>
<tr>
<td>5-10 years</td>
<td>7</td>
<td>22.6</td>
<td>7</td>
</tr>
<tr>
<td>10 + years</td>
<td>22</td>
<td>71.0</td>
<td>7</td>
</tr>
<tr>
<td>Totals</td>
<td>31</td>
<td>22</td>
<td>53</td>
</tr>
</tbody>
</table>

5.3.3 Offenders’ Criminal History Factors

The next section focuses on the convicted rape offenders’ criminal justice system experiences. Prosecution files almost invariably had an official criminal history attached so the data validity is considered very good. The information is reported in terms of their most likely criminal offence career; any conviction, probation, offence types and previous imprisonment.

Community Corrections Supervision of Rape Offenders

More than one-third (38.2%) of the convicted rape offenders had been subject to a community supervision, that is, probation, or intensive supervision orders, at some time in their adult lives (Table
A total of 44.4% offenders with known victims had been subject to community supervision compared to 31.3% with unknown victims. Offenders with unknown victims have less exposure to community supervision (68.8%) than those with known victims (55.6%). Despite these differences, the Pearson Chi-Square test returned a $p$ value of 0.43, indicating that the variables are independent of each other.

### Table 5.13: Previous Community Corrections Supervision

<table>
<thead>
<tr>
<th>Community Supervision</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N%</td>
<td>N%</td>
<td>N%</td>
</tr>
<tr>
<td>No</td>
<td>11 68.8</td>
<td>10 55.6</td>
<td>21 61.8</td>
</tr>
<tr>
<td>Yes</td>
<td>5 31.3</td>
<td>8 44.4</td>
<td>13 38.2</td>
</tr>
<tr>
<td>Totals</td>
<td>16 18</td>
<td>18</td>
<td>34</td>
</tr>
</tbody>
</table>

$\chi^2 (df=1) = 0.62, p = .43$

### Previous Imprisonment by Rape Offender

Table 5.14 details the previous imprisonment status of offenders. This item was endorsed when an offender had a prior adult custodial sentence(s). It specifically refers to time served in prison as a result of being sentenced and not on remand or held in the watch house for drunkenness. Two stranger offenders could not be classified due to missing data. Of the data available, almost two-thirds (62.5%) of the offenders had previously been imprisoned with proportionally more stranger offenders (71.4%) compared to 55.6% of those with known victims. The chi-square returned a non-significant $p$ value of 0.35.

### Table 5.14: Previous Imprisonments by Rape Offender

<table>
<thead>
<tr>
<th>Previous Imprisonment</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N%</td>
<td>N%</td>
<td>N%</td>
</tr>
<tr>
<td>Yes</td>
<td>10 71.4</td>
<td>10 55.6</td>
<td>20 62.5</td>
</tr>
<tr>
<td>No</td>
<td>4 28.6</td>
<td>8 44.4</td>
<td>12 37.5</td>
</tr>
<tr>
<td>Totals</td>
<td>14 18</td>
<td>18</td>
<td>32</td>
</tr>
</tbody>
</table>

$\chi^2 (df=1) = 0.85, p = .35$

### Previous Violence Offence History

Presented in Table 5.15 is the offenders’ criminal history for violent offences. It includes offences such as assault, grievous bodily harm, murder, armed robbery, robbery with personal violence and
domestic violence. There was no information on two from each group to categorise. Of the 30 offenders that could be classified, a half had convictions for offences of violence. Stranger offenders were more likely than non-stranger offenders (64.3% and 37.5% respectively) to have convictions for a previous violence offence. A chi-square analysis performed on the 30 cases that could be categorised returned a p value of 0.14, which indicated that there was no statistical significance between the groups in terms of convictions for offences of violence.

Table 5.15: Previous Violent Offence by Rape Offender

<table>
<thead>
<tr>
<th>Previous Violent Offence</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>9</td>
<td>64.3</td>
<td>6</td>
<td>37.5</td>
<td>15</td>
<td>50.0</td>
</tr>
<tr>
<td>No</td>
<td>5</td>
<td>35.7</td>
<td>10</td>
<td>62.5</td>
<td>15</td>
<td>50.0</td>
</tr>
<tr>
<td>Totals</td>
<td>14</td>
<td>16</td>
<td>16</td>
<td></td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>

$\chi^2 (df = 1) = 2.14, p = .14$

Convictions for Weapon Offences

Table 5.16 presents the details of offenders’ weapon offences convictions. Six offenders (two stranger and four non-stranger offenders) could not be categorised due to the absence of information regarding this item. The following analyses are based on the 28 cases for which information is available. The majority of offenders (85.7%) do not have convictions for a weapons offence. Nevertheless, a sizable minority of all offenders, 14.3% did have a conviction for a weapons offence. Because almost of one-fifth (17.7%) of the 34 individual examined could not be categorised and two of the cells contained less than five observations, tests for statistical significance are not presented.

Table 5.16: Previous Conviction for a Weapons Offence (All Offenders)

<table>
<thead>
<tr>
<th>Weapons conviction</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>12</td>
<td>85.7</td>
<td>12</td>
<td>85.7</td>
<td>24</td>
<td>85.7</td>
</tr>
<tr>
<td>Yes</td>
<td>2</td>
<td>14.3</td>
<td>2</td>
<td>14.3</td>
<td>4</td>
<td>14.3</td>
</tr>
<tr>
<td>Totals</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td></td>
<td>28</td>
<td></td>
</tr>
</tbody>
</table>

Previous History of Property Offences

Table 5.17 presents the number of rape offenders with previous convictions for property offences. There was insufficient information in four cases (two stranger and two non-stranger) to score this
item. Of the 30 cases for which information was available more than three-quarters (76.7%) had a previous conviction for a property offence with stranger and non-stranger offenders having convictions for property offences of an equal magnitude (78.6% and 75.0% respectively). The missing values appeared randomly distributed between the two groups. In overall terms, this finding indicates that the majority of rape offenders are versatile in their criminality. Perhaps expertise in property type offences might facilitate the commission of some rapes through knowledge of break and entry. The results also offer some support for the notion that rape may be informed by criminal motives and not necessarily deviancy driven, in contrast to sociocultural and psychological understandings of rape’s primary motivations. A chi-square analysis was based on the 30 cases presented below. No significant association between the type of offender and a property offence history was established (p = .82).

Table 5.17: Convictions for Previous Property Offences by Offender

| Property Offence History | Stranger | | Non-stranger | | Total | | |
|--------------------------|----------|---|----------------|---|----------------|---|
|                          | N | % | N | % | N | % |
| Yes                      | 11 | 78.6 | 12 | 75.0 | 23 | 76.7 |
| No                       | 3 | 21.4 | 4 | 25.0 | 7 | 23.3 |
| Totals                   | 14 | 16 | 30 | | |

$\chi^2 (df=1) = 0.05, p = .82$

Previous Sexual Offence History

Table 5.18 presents details of offenders’ previous convictions for sexual offences. A sexual offence history was defined as having an actual conviction for a sexual offence (ACOC classification of a sexual offence). Three of the offenders (one stranger and two non-strangers) could not be classified due to an absence of relevant file information. These three cases were excluded from the following analysis. On the information available, 29% of the 31 rape offenders had a previous conviction for a sex offence. Stranger offenders had the highest loading on this variable with 40% having a previous sexual offence conviction, compared to 18.7% of non-stranger offenders. These results indicate that a significant minority of rape offenders are recidivist sexual offenders. The Pearson Chi-Square test returned a p value of 0.19 although the probability of Type 2 error could compound these results because of the small sample size. These results should be interpreted with caution.
Table 5.18: Previous Sexual Offence History

<table>
<thead>
<tr>
<th>Previous Sexual Offence</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N  %</td>
<td>N  %</td>
<td>N  %</td>
</tr>
<tr>
<td>No</td>
<td>9  60.0</td>
<td>13  81.3</td>
<td>22  71.0</td>
</tr>
<tr>
<td>Yes</td>
<td>6  40.0</td>
<td>3  18.7</td>
<td>9  29.0</td>
</tr>
<tr>
<td>Totals</td>
<td>15</td>
<td>16</td>
<td>31</td>
</tr>
</tbody>
</table>

χ² (df = 1) = 1.70, p = .19

Previous Offences of Any Kind

These sex offenders are overwhelmingly recidivist offenders (Table 5.19). Recidivism in the thesis referred to any type of recorded and proven previous, sexual or non-sexual, criminal conviction, but excluded most traffic offences, such as speeding. However, serious traffic offences like dangerous driving causing death were classified as a criminal event. Only three cases lacked information that could assist classification (one stranger and two non-stranger offenders). Almost 90% of 31 rape offenders who could be scored on this item had a previous conviction – 93.3% and 87.5% for stranger and non-stranger offenders respectively. In the context of routine activity, these are most likely motivated offenders. The Pearson Chi-Square test on 31 cases found no significant association between the type of offender and having criminal history, producing a p value of 0.58. Both groups appeared unified by the common thread of their criminality.

Table 5.19: Previous Offences by Type of Rape Offender at Last Offence

<table>
<thead>
<tr>
<th>Previous convictions</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N  %</td>
<td>N  %</td>
<td>N  %</td>
</tr>
<tr>
<td>No</td>
<td>1  6.7</td>
<td>2  12.5</td>
<td>3  9.7</td>
</tr>
<tr>
<td>Yes</td>
<td>14  93.3</td>
<td>14  87.5</td>
<td>28  90.3</td>
</tr>
<tr>
<td>Totals</td>
<td>15</td>
<td>16</td>
<td>31</td>
</tr>
</tbody>
</table>

χ² (df=1) = 0.301, p = .58

Offenders with convictions were frequently but not always criminally versatile. Typical criminal histories were:

Case #29 a non-stranger rapist had a three-page criminal history that included break, enter and steal, wilful destruction, drunk in a public place, stealing, resisting arrest, firearm offences, deprivation of liberty, breach of probation, unlawful use of a motor vehicle. His criminal history commenced with children’s court appearances.
Case #11 a stranger rapist convicted of raping two women on separate occasions had numerous traffic offences, minor drug and property offences, including break and entry offences but had not been imprisoned. He accessed his victims by breaking into their apartments.

Case #19 was on parole for rape when he committed his latest offence, which occurred after a drinking binge. He had an extensive criminal history, which included break and enter offences and sexual offences.

5.3.4 Offenders’ Pre-Offence Behaviour

The next section of the research focussed on the offenders’ pre-offence behaviours. The purpose of this section is to secure an overview of the activities of the offender immediately before the rape. Consideration can then be given to how these pre-rape behaviours were involved in the offence. Information relating to offenders’ psychological status immediately prior to the offence (e.g., anger, depressed) or on reasons for victim selection is not reported. Without being able to question the offenders, misleading assessments or motives could be imputed.

Immediate Activities

Table 5.20 presents the offender’s activities prior to the 53 rapes committed by the 34 offenders. Prior behaviour was categorised into leisure activities, such as attending parties or clubbing. In cases where the offender was engaged in illegal activities such as break and entry, drug dealing or had visited his partner in contravention of a domestic violence order, his actions were classified as criminal. All non-stranger rapes could be categorised but almost one-third of the stranger offenders (n = 10, 34.5%) could not be scored on this item. Typically, they refused to co-operate with the police or the information became unnecessary with a guilty plea. On the information available, almost a half (45.3%) of all rapes occurred while the offender had been engaged in leisure activities immediately prior to the rape. Offenders with known victims were more likely to be engaging in leisure activities (28.3%) than stranger rape offenders (17%) were. Only one offender with a known victim was engaged in a specifically criminal activity immediately prior to his offence. Almost one-fifth of all rape offenders were engaged in driving or travelling related activities. Non-stranger offenders were more likely to be engaging in this type of activity (33.3%) than those with an unknown victim (10.3%). It is noteworthy, that none of the rapes for which information is available occurred while the offender was at work or coming home from work. A chi-square analysis was not performed on the data because 34.5% of stranger offender cases could not be categorised and two of the categories had
less than five observations. Taken together these factors would likely distort the results of the statistical analysis.

Table 5.20: Offenders’ Immediate Prior Activities Prior to All Rapes

<table>
<thead>
<tr>
<th>Immediate Prior Behaviour</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Leisure activities, clubs, parties</td>
<td>9</td>
<td>31.0</td>
<td>15</td>
</tr>
<tr>
<td>Criminal activity</td>
<td>7</td>
<td>24.1</td>
<td>1</td>
</tr>
<tr>
<td>Travelling/driving</td>
<td>3</td>
<td>10.3</td>
<td>8</td>
</tr>
<tr>
<td>Unknown/insufficient information</td>
<td>10</td>
<td>34.5</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td></td>
<td>24</td>
</tr>
</tbody>
</table>

Eight of the offenders were involved in criminal activities before their offences:

*Case #19 is an example of a non-stranger offender involved in criminal activity before his offence. This offender was in dispute with his estranged partner over child access privileges. On the evening of the offence, he broke into the victim’s residence and assaulted her and her girlfriend with baseball bat before raping his former partner. The judge stated that revenge was a motive for this offence.*

Leisure activities such as clubbing, drinking at pubs or just being at home were typical activities that offenders were engaged in prior to offending:

*The victim was raped by a man she met at a pub. The victim danced with the perpetrator most of the evening. According to her police statement, she was a “bit tipsy”. The offender offered to walk her home. He forced her into a park, physically assaulted her before committing rape (Case #8).*

*One offender who raped his intellectually disabled sister-in-law had been to dinner at a club with his victim and her husband where, according to file and court documents, they had consumed a few drinks only (Case #12).*

*The offender, the victim and her boyfriend had been consuming alcohol for most of the morning and afternoon at the victim’s home. The victim’s boyfriend had fallen asleep at about 3 p.m. The perpetrator grabbed the woman and raped her in the bathroom (Case #1).*
One perpetrator, in dispute with his ex-partner over child access, had been “sitting here (in his apartment) by myself and looking at four walls” before it “dawned on me to go around and make her pay for what she had done to me ...” (Case #28).

The victim and perpetrator in a date rape had been at a nightclub together and in their police statements admitted to consuming alcohol from about 7 p.m. to 3 a.m., before returning to the victim’s apartment where the rape occurred (Case #44).

In a number of cases, it was not possible to determine the offenders’ pre-rape behaviour with any certainty. Often stranger rape offenders would refuse to cooperate with the police but there were strong indications that some offenders had set out with criminal intent. In some cases, the offenders were engaged in criminal behaviour prior to offending. For example:

One serial rapist identified through a police photoboard (and later by DNA) broke into two houses and raped the two women living alone. He totally refused to co-operate with the police (Case #14).

In Case #23, the perpetrator was assisting the victim and another man look for a possible intruder in the victim’s apartment. The perpetrator assaulted the other man by punching him in the face, before pushing the victim into her apartment, and raping her.

One victim was raped when the (stranger) offender broke into her house, threatened her with a knife before raping her. Police reports speculate that he may have driven the victim home in a cab, noted the location of her bedroom when the light was turned on and possibly aware that she was intoxicated (Case #7).

**Intoxication Status of Offenders All Rapes**

Table 5.21 presents details of the offenders’ intoxication status at the time of the offence. Intoxication status was determined by the offenders’ self-assessments, perpetrator admissions to police or court findings or a classification that could be inferred from the amount of intoxicants consumed. Any illicit drugs the offender admitted consuming in the previous 12 hours was categorised as intoxicated. For the purposes of this section the National Institute on Alcohol Abuse and Alcoholism (1992), recommendation of two drinks an hour determined category assignment. There was insufficient information in 23 (43.4%) of the 53 rapes to classify the offender’s intoxication status (21 stranger and 2 non-stranger cases). Typically, offenders refused to provide information on this matter during police interviews. In addition, offenders may provide, either intentionally or unintentionally, false estimates of their intoxication levels, for their own strategic purposes. It could also be speculated that
offenders’ would be reluctant to admit in a police interview to illegal drug usage. The following analysis and reporting is based on the 30 cases that could be classified. Sixty percent were assessed as intoxicated at the time of the offence; stranger offenders were slightly more likely to be assessed as intoxicated (62.5%) than non-stranger offenders (59.1%) were. However, the interpretability of the data is compromised by the magnitude of missing data, especially for stranger offenders. For this reason, further statistical analysis was not undertaken.

Table 5.21: Offenders Intoxication Status at Time of Offence (All Rapes)

<table>
<thead>
<tr>
<th>Intoxicated</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>No</td>
<td>3</td>
<td>37.5</td>
<td>9</td>
<td>40.9</td>
<td>12</td>
</tr>
<tr>
<td>Yes</td>
<td>5</td>
<td>62.5</td>
<td>13</td>
<td>59.1</td>
<td>18</td>
</tr>
<tr>
<td>Totals</td>
<td>8</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>30</td>
</tr>
</tbody>
</table>

The following cases are typical examples of the substance usage patterns of offenders before the offence:

In Case #6, the victim met the perpetrator at a pub dance. Court records reveal that they both consumed alcohol through the night. She became “tipsy”, there is no indication of his level of intoxication as he was not apprehended until a week after the offence but based on the victim’s description of their consumption of intoxicants, and he was likely to have also been “tipsy”.

In Case #29, the offender described himself as “very drunk” when he raped his ex-partner who he was staying with on the night of the offence. They attended a wedding together where he became drunk. He stated that he become an “arsehole” when he is drunk. On the way home, he became abusive and in the driveway of their unit, he became more abusive and threatened the victim with violence. She had previously lost a kidney after he assaulted her. The victim picked up her five-year-old daughter from the babysitter and hopped into bed with her daughter. The perpetrator dragged her from the bed by her hair and in front of their daughter, held her down and commenced punching her in the face. He then dragged her to another room and raped her. He then fell asleep. She went to the hospital with her daughter and hospital staff notified the police. Police found him still asleep the next morning.

In case #30 the victim and perpetrator had met at a pub the previous week and organised a date. They were supposed to go for dinner but he had not made a booking so they were unable to obtain a reservation at the restaurant. They went to the bar of the tavern and
consumed alcohol. Later that evening, still without dining, they went to a disco where they both continued to drink until the early hours of the morning. During the evening, they met up with some of her friends. One of her friends handed out condoms from a broken condom machine in the hotel’s toilet. The evidenced was disputed but the perpetrator claimed that she put one of the condoms in his shirt pocket. At 3 a.m., he took her home in a taxi. He told his friends to pick him up from her apartment in half-an hour. At home, they kissed and cuddled but she refused to have intercourse and told him to get a taxi home. He phoned a cab and she told him he could lay with her on the bed until the taxi came. He again attempted to have intercourse with her and she again refused so he raped her on the bed. She became agitated and screamed. A concerned neighbour called the police. The court documentation indicates that both offender and victim must have been intoxicated at the time of the offence.

In Case #34 a woman was raped in front of her husband by three very intoxicated vagrants. They had been drinking alcohol and smoking cannabis most of the day, when the woman and her husband set up tent in the park. From the court records, the three perpetrators must have been quite intoxicated on wine and cannabis. The three men talked amongst themselves about why this younger woman would want to be with an old man. They decided to rape her in turn. The husband was assaulted with a tree branch and held down while the three men took turns to rape her. A jogger witnessed the assault and notified the police.

Not all offenders were intoxicated. One of the worst cases was committed by a sober offender:

In Case #21 the offender had been sitting at home, “staring at the four walls” and becoming angry at the problems he was experiencing with his ex-partner, especially concerning child access. He stated that he had not consumed alcohol or drugs prior to offending. For unknown reasons he decided to break into his ex-partner’s house and assault her. He went armed with a baseball bat and tape. He took a balaclava as a disguise. He broke into the house and found the victim and her female friend asleep in the same bed. It seemed his ex-partner was afraid to be alone of an evening. He viciously attacked both women before raping both of them. Medical evidence tendered to the court indicated that the ex-partner was almost killed in the assault.

**Initial Contact and Rape Sites**

Table 5.22 reports the initial location of contact between the rape offender and victim. In more than a half (54.7%) of the cases, the initial contact was in the victim’s residence and 9.4% in the rape offenders’ residence. For non-stranger rape offenders, the victims’ residence was the most common
initial contact site (70.8%) compared to 41.4% of stranger rapes. The chi-square analysis returned a probability of 0.03, indicating that there were significant differences between the two groups in terms of where the victim was initially contacted.

Table 5.22: Initial Contact Site for All Rapes

<table>
<thead>
<tr>
<th>Initial Contact Site</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Victim’s residence</td>
<td>12</td>
<td>41.4</td>
<td>17</td>
<td>70.8</td>
<td>29</td>
<td>54.7</td>
</tr>
<tr>
<td>All other locations</td>
<td>17</td>
<td>58.6</td>
<td>7</td>
<td>29.2</td>
<td>24</td>
<td>45.3</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td></td>
<td>24</td>
<td></td>
<td>53</td>
<td></td>
</tr>
</tbody>
</table>

χ² (df = 1) = 4.60, p < .05

In many cases, the victim willingly accompanied the perpetrator from the initial contact site to the rape location:

The offender and victim were initially at the perpetrator’s house on the evening of the offence. He suggested they go for a walk, which took them through a park. The rape occurred in the park (Case #27).

The victim met the perpetrator at a pub and accompanied him back to his boarding house, where she fell asleep and was raped while she was asleep (Case #5).

The victim met the perpetrator at the pub and he offered to walk her home. He dragged her into a park, assaulted and raped her (Case #6).

Some stranger rape offenders resort to subterfuges to get the victim to the rape site:

The victim was working as a prostitute and accompanied him to his residence where she was raped (Case #12).

In some cases, the victim is abducted and taken to the rape site:

The victim was approached by the perpetrator at a railway station and asked for timetable information. Shortly afterwards, while at a payphone she was assaulted and knocked unconscious. He drove her in his car to the rape site – a vacant allotment (Case #14).
5.3.5 Offence Related Factors

The next section of results reported relate to offence and specific situational factors. These factors can provide insights into how rapes can be prevented at the site as well as providing a greater understanding of the factors rape offenders consider necessary to proceed with the offence.

Planning

Most rapes had some degree of planning involved (Table 5.23). Planning was defined as bringing a rape kit to the site (knife, tape, disguises), statements by perpetrator that it had been planned, or indications that could reasonably be construed as indicating planning, such as threats to “get’ the victim, use of a weapon during the offence, breaking into a house, or using a “con” to access the victim, such as tricking the victim to drive the perpetrator somewhere. Almost 60% of all rape offenders gave some indication of planning the crime. Nearly two-thirds of stranger offenders gave indication of planning the offence, compared to 54.1% of non-stranger offenders. Nevertheless, the chi-square performed on planning/no planning items returned was non-significant ($p = .22$) indicating that no significant relationship existed between the stranger and non-stranger offenders in their planning.

<table>
<thead>
<tr>
<th>Planned rape</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Break-in</td>
<td>6</td>
<td>20.7</td>
<td>0</td>
<td>0.0</td>
<td>6</td>
<td>11.5</td>
</tr>
<tr>
<td>Weapon</td>
<td>8</td>
<td>27.6</td>
<td>2</td>
<td>8.3</td>
<td>10</td>
<td>19.2</td>
</tr>
<tr>
<td>Con (subterfuge or ploy)</td>
<td>5</td>
<td>17.2</td>
<td>10</td>
<td>45.8</td>
<td>15</td>
<td>28.8</td>
</tr>
<tr>
<td>Subtotal</td>
<td>19</td>
<td>65.5</td>
<td>12</td>
<td>52.1</td>
<td>31</td>
<td>59.5</td>
</tr>
<tr>
<td>No</td>
<td>6</td>
<td>20.7</td>
<td>9</td>
<td>40.9</td>
<td>15</td>
<td>28.9</td>
</tr>
<tr>
<td>Unknown/Insufficient detail</td>
<td>4</td>
<td>13.8</td>
<td>3</td>
<td>8.3</td>
<td>6</td>
<td>11.5</td>
</tr>
<tr>
<td>Subtotal</td>
<td>10</td>
<td>34.5</td>
<td>12</td>
<td>49.2</td>
<td>21</td>
<td>40.4</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td></td>
<td>24</td>
<td></td>
<td>52</td>
<td></td>
</tr>
</tbody>
</table>

$\chi^2 (df = 1) = 1.54, p = .21$
Many of the rapes did not show evidence of long-term planning. If there was planning it tended to be *ad hoc* and undertaken shortly before the offence. Frequently the rape offenders took advantage of favourable circumstances:

In Case #1 the perpetrator was visiting a friend and his friends’ girlfriend and they all commenced drinking. While the boyfriend was asleep, the perpetrator raped the victim in her bedroom. There did not appear to be any long term planning involved, rather the offender took advantage of circumstances.

The victim in Case #6 met the offender (for the first time) at a pub and he offered to walk her home at closing time. He forced her into a park and raped her. From court documentation, they were probably intoxicated at the time of the offence. The offender had no rape kit or other indicators that the offence was previously planned.

The offender in Case #10 was drinking at the pub before going to pick up his son at school. He arrived late, asked an elderly cleaner for directions. Shortly afterwards, he attacked the woman and dragged her into a vacant classroom and raped her.

In some rapes, it is difficult to assess if planning was involved or the offender was waiting for fortuitous circumstances:

The victim in Case #15 was taking a shortcut through a park when she was attacked and raped. The offender made no significant admissions to police and denied laying in wait for a victim.

Some rape offenders do plan their offences:

The perpetrator in Case #11 raped two women on separate occasions. He broke into their apartments, and threatened both women with a knife before raping them. The use of a weapon and a break-in to access victims is indicative of planning.

Case #20 is an example of a non-stranger victim planned rape. The offender was in dispute with his ex-partner over access rights to his child. He was disguised with a mask, when he broke into her house and severely assaulted his (sleeping) ex-partner and her friend with a baseball bat that he had brought.

**Offence Location**

Table 5.24 presents the details of the offence locations. Nearly 51% of rapes occur in the victim’s residence. Stranger initiated rapes were less likely to occur in victims’ residences (41.4%) than in
other locations. On the other hand, non-stranger offences (62.5%) are more likely to occur in the victim’s residence which no doubt reflect the offenders’ ease of access to that location.

**Table 5.24: Location of Offence**

<table>
<thead>
<tr>
<th>Offence location</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Victim's residence</td>
<td>12</td>
<td>41.4</td>
<td>15</td>
<td>62.5</td>
<td>27</td>
<td>50.1</td>
</tr>
<tr>
<td>All other locations</td>
<td>17</td>
<td>58.6</td>
<td>9</td>
<td>37.5</td>
<td>26</td>
<td>49.9</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>29</td>
<td></td>
<td>24</td>
<td></td>
<td>53</td>
<td></td>
</tr>
</tbody>
</table>

\[ \chi^2 (df=1) = 2.34, p = .13 \]

The victim’s residence was a common location for non-stranger rapes with 62.5% occurring there. Typical circumstances were as follows:

In one non-stranger rape, the perpetrator visited his cousin and asked to talk with her privately in the bedroom. He then threatened her with a knife before sexually assaulting her (Case #17).

Two young women were raped by one of the victim’s ex-partner. He broke into their house late one evening and assaulted the women with a baseball bat before raping them (Case #20).

The victim and her partner had separated six months previously but she allowed him to reside in her apartment, as he was homeless. They attended a wedding and he became abusive when they returned home. He assaulted and raped her in the bedroom.

Other locations where rapes occurred were in cars:

The victim and perpetrator in this case had known each other for three years but were not in a relationship. They had been drinking (and driving) for most of the day. Late in the afternoon, he drove her to a lonely forestry track and raped her (Case #31).

Another offender was on parole at the time of his offence. He had known the victim (age 22) since she was a child. On the night of the offence, he asked her to drive him to a friend’s house as he was intoxicated and could not drive. He directed her to a lonely road where he threatened her with a knife and raped her (Case #25).
Guardians on Site

Table 5.25 reports on the presence of guardians at the rape site. A guardian was considered an adult capable of preventing rape; it could be either male or female. Detailed victim and witness’ statements recorded by police and court testimony allowed for easy categorisation into a present/not-present response. Persons under 16 were not considered guardians, as they were deemed generally incapable of preventing rapes. In 73.5% of cases, there was no guardian at all on site. In the remaining 26.4% cases, while potential guardians might have been present they were asleep, intoxicated, unaware a rape was occurring or prevented from intervening. In only one case did potential guardians choose not to intervene. A sample of these cases is presented below. The Pearson Chi-Square test was not significant.

<table>
<thead>
<tr>
<th>Guardians present</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Not present</td>
<td>20</td>
<td>69.0</td>
<td>19</td>
</tr>
<tr>
<td>Present</td>
<td>9</td>
<td>31.0</td>
<td>5</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td>24</td>
<td>53</td>
</tr>
</tbody>
</table>

$\chi^2 (df = 1) = .44, p = .50$

Case #33 provides an example where a potential guardian could not prevent the rape. The victim and her partner were camped in a public park, when three men attacked them. The police investigation report indicated the (elderly) man was assaulted with a tree-branch and held down while his partner was assaulted and then packed raped in turn by the three men.

In most cases, a guardian was not present.

The perpetrator asked his mate’s girlfriend to drive him to his marijuana plantation in a forest where he raped her (#26).

The victim and perpetrator were on their first date. He drove her home at 3 a.m. and they kissed, but she refused to have intercourse. She lived alone. He raped her (#30).

In Case #32, the offender and victim were living in a de facto relationship. They had a violent domestic dispute.
In Case #22, a potential guardian was unable to prevent the rape but his actions ensured the offender was apprehended. The victim police statement indicated she had heard noises outside her flat (sited on busy street) late one evening and went to investigate. She explained her situation to a tenant in the next flat and passer-by. Both men offered to search her premises. On entering the flat, the passer-by punched the other tenant in the face, locked the door and raped the victim. The tenant telephoned the police immediately.

5.3.6 Victim Access Methods

Table 5.26 reports the methods used by offenders to access their victims. Victim access method was categorised into “blitz”, “con” and “surprise” which are commonly used classification categories (Bowie, Silverman, Kalick & Edbril, 1990; Hazelwood & Burgess, 1987; Hazelwood & Warren 1990). A blitz attack is a sudden and violent surprise attack by the rape offender. A surprise attack is where no force, apart from the violence inherent in the attack is used, while the con is characterized by the use of deceit (see Silverman, Kalick, Bowie, & Edbril, 1988). The most common manner for the rape offender to access his victim was by a sudden and unexpected attack or blitz type rape. Forty-three percent of all rape offenders overwhelmed their victims by using blitz tactics. Stranger offenders were more likely to use this tactic than non-stranger offenders (55.2% and 29.2% respectively). In 17% of cases, there was insufficient information to categorise accurately the attack; these cases usually fell between “Con” and “Surprise” attacks. The Pearson Chi-Square test found a p value of 0.18, indicating that the variables are independent of each other.

<table>
<thead>
<tr>
<th>Access method</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Blitz (injurious force)</td>
<td>16</td>
<td>55.2</td>
<td>7</td>
</tr>
<tr>
<td>Con (subterfuge or ploy)</td>
<td>3</td>
<td>10.3</td>
<td>7</td>
</tr>
<tr>
<td>Surprise (no force)</td>
<td>6</td>
<td>20.7</td>
<td>5</td>
</tr>
<tr>
<td>Insufficient details</td>
<td>4</td>
<td>13.8</td>
<td>5</td>
</tr>
<tr>
<td>Totals:</td>
<td>29</td>
<td></td>
<td>24</td>
</tr>
</tbody>
</table>

\[ \chi^2 \text{ (df = 3) } = 4.90, \ p = .18 \]

5.3.7 Post Rape Activities

The next results section focussed on the post rape behaviour of the offender. This was investigated by examining the actions undertaken by the offender after he had committed the offence. Understanding
offenders’ post-rape behaviour may assist in the apprehension of offenders. It may also provide insights into the situational requirements necessary for the rape offender to escape the scene. The items examined in this section include how the rape offenders decamped from the rape site, and the types of post-offence activities undertaken by the offender.

**Post Offence Activities**

Table 5.27 present the offenders’ escape activities immediately after the offence. This type of information was usually readily available from victim or witness statements or from the police record of interview. The classification categories were collapsed into two classes to allow chi-square analysis. If the offender left the scene of the crime within fifteen-minutes, he was deemed to have decamped immediately. The “Other” category included the perpetrator staying for more than 15 minutes after the offence or the victim escaping or being allowed to leave. The majority of all rape offenders absconded immediately from the site (71.7%). Stranger rape offenders fled immediately (86.2%), more frequently than non-stranger rape offenders (54.2%). Additionally the Pearson Chi-Square test found a p value of 0.007, which indicates that the time to escape and the type of offender are significantly associated and are not independent.

**Table 5.27: Post Offence Behaviour**

<table>
<thead>
<tr>
<th>Escape</th>
<th>Stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Decamped immediately</td>
<td>25</td>
<td>86.2</td>
<td>13</td>
<td>54.2</td>
</tr>
<tr>
<td>All other scenarios</td>
<td>4</td>
<td>13.8</td>
<td>11</td>
<td>45.8</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td></td>
<td>24</td>
<td></td>
</tr>
</tbody>
</table>

$\chi^2 (df=1)=7.24, p < .001$

In 38 of the rapes, the perpetrator decamped immediately. Stranger rape offenders frequently did this:

*In Case #11 after breaking into the house of his ex-partner and beating her and a friend severely, the perpetrator was apprehended by police walking home after the offence. He had disguised himself prior to the break-in.*

*The victim in Case #14 was abducted from a railway station and taken in the offender’s car to the rape site. He dropped her on a corner before speeding off.*
The perpetrator in Case #17 raped known and unknown victims but decamped after the offences. He raped his cousin by tricking her into believing that he needed to talk to her privately in the bedroom of her share accommodation. He threatened her with a knife before going into the lounge room and talking briefly to others in the house before leaving. Shortly afterwards, he abducted his second victim from a car park. Drove her to a lonely road, raped her and drove her back to her car. He drove away immediately.

In cases where the victim is known, offenders are less likely than stranger offenders to leave immediately are:

In Case #8, the offender raped an acquaintance. On the night of the rape, they spent most of the evening drinking and socialising at her apartment. He suddenly attacked and raped her but stayed and talked to her afterwards for an hour before leaving.

The offender in Case #26 drove an acquaintance to a lonely road, raped her and then drove her home.

Offenders’ Apprehension Avoidance Activities (All Offences)

Most rape offenders did not undertake any activities to reduce their probability of apprehension (Table 5.28). Classifications were collapsed into two categories to allow for statistical analysis. The first category related to the employment of no arrest reduction strategies other than leaving the scene. “All other strategies” included threats, pleading with the victim not to tell, telling her no one would believe her or she would be thought of as a “slut”, use of gloves, condoms or apologising. No clear arrest reduction strategy emerged from a review of all the rape cases. The types of activity were almost equally divided between the two groups (50.9% versus 49.1%). Non-stranger offenders (58.3%) were proportionally more likely than offenders with unknown victims (44.8%) not to utilise apprehension reduction strategies. However, the majority of stranger offenders (55.2%) used some type of apprehension reduction strategies. Nevertheless, the Pearson Chi-Square test found no significant association between the type of offender and arrest reduction strategies, producing a p value of 0.33.
Table 5.28: Activities to Reduce Arrest by Type of Rape

<table>
<thead>
<tr>
<th>Activities to Reduce Arrest</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Nil activities</td>
<td>13</td>
<td>44.8</td>
<td>14</td>
<td>58.3</td>
<td>27</td>
<td>50.9</td>
</tr>
<tr>
<td>All other strategies</td>
<td>16</td>
<td>55.2</td>
<td>10</td>
<td>41.7</td>
<td>26</td>
<td>49.1</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td></td>
<td>24</td>
<td></td>
<td>53</td>
<td></td>
</tr>
</tbody>
</table>

\[ \chi^2 (df = 1) = 0.96, p = .33 \]

5.3.8 Victim Factors

The next section covers victim descriptor factors. It includes the age and occupation of the 53 victims. As per the agreement with the DPP, only minimal information was collected on victims.

Victims’ Occupation

The majority of the victims had working class or lower middle class type occupations, such as taxi driver or cashier (Table 5.29). A total of 29.6% of victims were unemployed at the time of the offence. There were more unemployed stranger rape victims (32.3%) than non-stranger victims (29.6%). No rape victims were in professions or high status occupations. Apart from occupations such as prostitute or taxi driver, none of the victims’ careers could be considered high risk in terms of assault probabilities.

Table 5.29: Victims’ Occupation by Type of Rape

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Unemployed</td>
<td>9</td>
<td>32.3</td>
<td>6</td>
<td>26.1</td>
<td>16</td>
<td>29.6</td>
</tr>
<tr>
<td>Student</td>
<td>4</td>
<td>12.9</td>
<td>6</td>
<td>26.1</td>
<td>10</td>
<td>18.5</td>
</tr>
<tr>
<td>Government benefits/pensioner</td>
<td>7</td>
<td>25.8</td>
<td>2</td>
<td>4.3</td>
<td>9</td>
<td>16.7</td>
</tr>
<tr>
<td>Trade/technical hairdresser, chef etc</td>
<td>3</td>
<td>9.7</td>
<td>4</td>
<td>17.4</td>
<td>7</td>
<td>13.0</td>
</tr>
<tr>
<td>Prostitute</td>
<td>2</td>
<td>6.5</td>
<td>4</td>
<td>17.4</td>
<td>6</td>
<td>11.1</td>
</tr>
<tr>
<td>Unskilled, checkout clerk/taxi driver</td>
<td>3</td>
<td>9.7</td>
<td>1</td>
<td>4.3</td>
<td>4</td>
<td>7.4</td>
</tr>
<tr>
<td>Home duties</td>
<td>1</td>
<td>3.2</td>
<td>1</td>
<td>4.3</td>
<td>2</td>
<td>3.7</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td></td>
<td>24</td>
<td></td>
<td>53</td>
<td></td>
</tr>
</tbody>
</table>
Age of Victim

The majority of victims in this study were under the age of 30 (M= 3, SD = 19.3, range 16 -87) (Table 5.30). Proportionally more known victims (66.7%) were under thirty, compared to stranger victims (44.8%). Additionally the Pearson Chi-Square test found a p value of 0.046, which indicates that the variable age of victims are significantly associated.

Table 5.30: Age of Victim by Type of Rape

<table>
<thead>
<tr>
<th>Victim age</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Under 30</td>
<td>13</td>
<td>44.8</td>
<td>16</td>
<td>66.7</td>
<td>29</td>
</tr>
<tr>
<td>31+</td>
<td>16</td>
<td>55.2</td>
<td>6</td>
<td>33.3</td>
<td>22</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td></td>
<td>22</td>
<td></td>
<td>51</td>
</tr>
</tbody>
</table>

$\chi^2 (df = 1) = 3.97, p < .05$

Victims’ Time to Report Offence

Table 5.31 presents the time taken to report the rape to police. Most rapes successfully prosecuted were reported in under an hour of the offence happening (71.7%). Stranger initiated rapes had the highest and promptest reporting levels with 93.1% resulting in a complaint within the hour. Conversely, known victims were slower to report with 45.8% contacting the police within the hour. The chi-square returned a p value of 0.000 indicating that the variables are significantly related.

Table 5.31: Time to Report Rape by Type of Rape

<table>
<thead>
<tr>
<th>Time to report</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>&lt; 1 hour</td>
<td>27</td>
<td>93.1</td>
<td>11</td>
<td>45.8</td>
<td>38</td>
</tr>
<tr>
<td>More than one hour</td>
<td>2</td>
<td>6.9</td>
<td>13</td>
<td>54.2</td>
<td>15</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td></td>
<td>24</td>
<td></td>
<td>53</td>
</tr>
</tbody>
</table>

$\chi^2 (df = 1) = 14.46, p < .001$

Reporting the Offence to Police

In almost three-quarters of cases (detailed in Table 5.32), the offence was reported by the victim herself (77.4%). Stranger offenders’ victims had the highest reporting rate by the victim, 86.22%
compared to 66.7% of non-stranger victims. The Pearson Chi-Square test found no significant association between who reported and type of offender, producing a p value of 0.09.

Table 5.32: Reporting to Police

<table>
<thead>
<tr>
<th>Reporting</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Reported by victim</td>
<td>25</td>
<td>86.2</td>
<td>16</td>
</tr>
<tr>
<td>Reported by others</td>
<td>4</td>
<td>13.8</td>
<td>8</td>
</tr>
<tr>
<td>Totals</td>
<td>29</td>
<td></td>
<td>24</td>
</tr>
</tbody>
</table>

$\chi^2 (df = 1) = 2.86, p = .09$

5.4 Summary and Conclusions

This study examined the role of situational factors in rape using a file content analysis methodology on data derived from DPP files. The DPP files provide a rich and complex perspective on sexual offending that captures some of the proximal factors involved in the offence. The behaviour of offenders before, during and after the rapes was of particular interest as well as their modus operandi, demographic and criminal histories. Two research questions were generated concerning 1.) Is there evidence of situational factors in rape offenders convicted in the District Courts? and 2.) Do the situational differences between stranger rapes and non-stranger rape cases heard in the District Courts? The data was examined using a series of cross-tabulation analysis, Pearson Chi-square tests and t-tests. The results indicate that situational factors are significant elements of rape but there was little difference between stranger and non-stranger rape offenders on situational differences.

With regard to the first research question “Is there evidence of situational factors in rapes committed by offenders convicted in the District Courts?” the results indicated that these factors are important in rape and the offence can be fitted within situational models of crime. The results are also in broad agreement with the findings in the ORNI analysis. A routine activity theory framework is applicable to rape and rape offenders. In terms of their criminality they could be defined as motivated offenders with 90% of subjects having a previous criminal history, 63% had been previously imprisoned, including 71% of stranger rape offenders. However, 29% of all offenders had a previous conviction for a sexual offence. In other words, most subjects were not serial sexual offenders but their offending was embedded in a pattern of general offending. Other supporting evidence for a routine activity interpretation is provided by the ages of offenders and victims, and offenders’ immediate prior behaviour. Specifically, 74% of offenders are under the age of 30, as are 57% of victims and nearly 45% of offenders were involved in leisure activities immediately prior to offending. This
provides some evidence for the notion that young men are accessing victims in the context of socialising. Indeed, 60% of offenders were intoxicated at the time of the offence and presumably this was undertaken in the context of leisure. In addition, 74% of offenders were not in a relationship at the time of the offence, which provides some supporting evidence for them having more opportunities for socialising and consuming intoxicants and bringing them into contact with potential victims. It is noteworthy, that 65% of these offenders never received any type of psychiatric treatment (Table 5.10) prior to committing their rapes. and although 24% could not be classified on this item, it appears reasonable to infer that rapes are not primarily motivated by pre-existing psychiatric conditions. Overall offenders are criminally versatile, frequently with histories of violence and sexual offending (Table 5.16, Table 5.17 and Table 5.18). In this regard, they can be considered motivated/likely offenders. Their offences are committed in the absence of guardians or witnesses and in locations that offer privacy and minimal probability of intervention. In the case of rape, vulnerability in a young female may have sexual connotations that provoke arousal and criminal desires. Most rapes also occurred proximal to the intersection of victims and offenders, especially in leisure or other situations that involved alcohol consumption – 60% of all these offenders were intoxicated at the time of the offence (Table 5.21), including almost two-thirds of stranger and 60% of non-stranger offenders. In situational crime prevention terms, intoxication must be considered a facilitator of crime (Cornish & Clarke, 2003) and its control in high risk populations could reduce the prevalence of rape. Nearly 60% of all these offenders were assessed as undertaking some planning in the commissioning of their offence (Table 5.23). This is indicative that offenders are exhibiting rationality before offending and as such their offences can be understood in terms of a rational choice perspective. However, there rationality must be considered “bounded” (see Section 3.3) given that one-half undertook no activities to reduce arrest (Table 5.28).

Victim selection could also be placed within a routine activity model. Women who were unemployed, students, prostitutes, or on benefits accounted for more than two-thirds of the victims in this study. Their everyday patterns of occupation are likely to bring them into contact with potential offenders – younger people, and unmarried people are at higher risk (see Section 3.2). Victims are also slower to report non-stranger rapes with 46% reporting the offence less than one-hour after its occurrence compared to 93% of stranger rapes (Table 5.31) The delay in reporting the offence most likely decreases the probability of a successful prosecution through loss of forensic and medical corroborating evidence and doubt in the mind of the juries about reasons for the delay. From an offenders’ perspective delays, in reporting and reduced probability of conviction could be understood from a rational choice position.

The majority of rape offenders (60%) in this analysis (Table 5.11) were classified as having a predatory style of offending in terms of Cornish and Clarke’s (2003) typology. This high rate of
predatorial offender categorisations could be a result of police and prosecutors inaccurately painting
offenders as the stereotypical predatorial rapist in order to secure convictions. Nevertheless, offenders
had high levels of prior involvement with the criminal justice system. For example, nearly 40% had
been supervised on probation, 56% of stranger rape offenders had previous violence convictions, and
a sizable minority, more than a quarter had previous sex offence convictions and 82% had a previous
criminal conviction. This supports the notion that rape offenders are versatile offenders and provides
some support for the view that rape is a criminal rather than a sexual event. Stranger offenders were
also proportionally less likely to have been supervised on probation than non-stranger offenders (31%
versus 44% respectively and 38% overall: Table 5.13). Probation supervision may offer some
possibility of early intervention with potential rape offenders by teaching situational crime prevention
techniques such as reducing emotional arousal or alerting conscience (Cornish & Clarke, 2003) as part
of rehabilitation counselling. The high previous imprisonment rate of rape offenders, about two-thirds
have been jailed on a previous occasion (Table 5.14), may also offers opportunities for prophylactic
interventions such as courses aimed at reducing violence. In addition, DNA testing of all offenders
increases the risk of detection (Cornish & Clarke, 2003). A half of all offenders had a conviction for
a previous violent offence, with almost two-thirds of stranger and 40% of non-stranger offenders
recorded as having a previous violent offence (Table 5.15). This finding offers some support for the
notion that rape may be more underpinned by motives of violence than sexual deviancy. Convicted
violent offenders could be targeted for strengthened formal surveillance in the community and
interventions while under criminal justice system jurisdiction.

According to the chi-square analysis and cross-tabulations, generally, the stranger and non-stranger
rape offenders were not significantly different on the variables measured. For example, in planning
(Table 5.23) there were no significant differences between the groups. The findings of this analysis
are consistent with a situational crime prevention interpretation, especially the opportunity structure of
the offences. This can be seen in actions of the offenders immediately before the rapes. Only 15.1%
were involved in criminal activities before committing the offence. They were far more likely to be
engaged in leisure activities (usually involving alcohol consumption) than actively planning rapes.
Although this research was not focussed on the psychological state of the rape offender in the time
proximal to the offence, there is not a strong sense that rape offenders are primarily motivated by
sexual deviancy factors, although these are likely to be present.

Some of the descriptor and non-significant results are also of situational interest. Only about one in
five men charged with rape are actually convicted of that offence (Table 5.2). From a rational choice
perspective men charged with rape are at low risk of being convicted. It could be speculated that
given only a minority of rape offenders actually come to the attention of the criminal justice system

and then only a minority of them will be found guilty of the offence, the decision to rape, from the
offender’s perspective could be considered rational.

There were also no significant indications of displacement in the cases studied although this might be
a function of offenders and their legal representatives not wishing to provide incriminating evidence
that could increase the penalty. Nevertheless, it could be tentatively concluded that displacement is
not a major factor in rape.

The second subsidiary research question investigated differences between stranger and non-stranger
rape offenders. In terms of their demographic and social backgrounds there was little to discriminate
between the groups on age, ethnicity or education. Although the differences were not statistically
significant, more stranger than non-stranger rape offenders had previous criminal convictions (Table
5.19), but both groups had extensive criminal backgrounds. The criminality of rape offenders is
perhaps their defining characteristic. From a situational crime prevention perspective, it has
implications for the identification, treatment and prevention of sexual offences. While not all
criminals are rape offenders, most rape offenders have serious criminal backgrounds, although it must
be acknowledged that given the forensic nature of the sample, their criminality is not unexpected.
Overall, the findings suggest that situational factors are similar for both groups of offenders. The lack
of major differences between the groups could be a more a function of criminality than deviant
sexuality – both groups have generally similar criminal backgrounds, although stranger offenders
were proportionally more likely to have been imprisoned (71% versus 63%) on a previous occasion
than non-stranger offenders (Table 5.14). This could indicate that situational interventions could be
effective against both offender types.

Three limitations were identified in relation to the study and need to be recognised as having potential
to that effect the generalisability of the conclusions. Firstly, the relatively small sample sizes
consisting of 53 offences committed by 34 (18 stranger and 16 non-stranger) convicted adult male
offenders. Although sufficient, a sample of this size places limitations on the analyses performed.
Although, chi-square analysis and t-tests were performed the sample size did not allow for more
sophisticated statistical analysis that may have permitted the extraction of additional information.

Another limitation relates to the data collection method. The data used in this study was principally
drawn from police interviews, cross-examinations and formal reports such as medical or
psychological assessments. This may tend to present offenders in a manner that improves the
probability of a conviction, for example, by presenting offenders as more predatorial than
opportunistic. Also, defence counsel would advise their clients not to make admissions that could
implicate them or increase their culpability thus reducing the quality of data used in the analysis. The
formalness of the investigative and legal process may also distort the information provided by offenders.

The third limitation identified was the cases examined consisted only of convicted offenders and the majority of rape offences are not reported (Abbey, 2005). The generalisability of these results to unconvicted offenders is compromised. Typically, about one in four rapes or attempted rapes are reported (Koss et al, 1987) and one percent of rapes result in a prosecution (Russell, 1982). In addition, the majority of men in this study had a previous criminal history whereas in the UK, 33% of males born in 1953 had a conviction for at least one standard list offence by their 46th birthday and the majority of these offences were one-off and not considered serious (Laycock, 2003). The rape offenders in this study are likely to be atypical of rape offenders in general that thereby limits the applications of the findings.


Chapter 6: Rape Offender Interviews

6.1 Introduction to the Analyses

The purpose of this study, consisting of in-depth interviews with 20 incarcerated rape offenders was to continue investigating situational factors in rape through offenders’ perspectives. The two previous studies were reliant on secondary data sources could not provide a dynamic picture of rape that interviews can. Interviews also complement and triangulate the previous two studies by providing a different perspective on the offence and capture the nuances and dynamics of the offence. Interviews allow questioning, clarifications and probing and let the offender describe the offence in his own words. In addition, personal interviews can allow for the identification of subtle factors, such as attitudes or feelings, not discernible using other methods. These issues are investigated with the following research question:

- Are situational factors in rape evident in the narratives of incarcerated offenders?
- Do the situational factors differ between stranger rapes and non-stranger rapes convicted in the District Courts?

It is anticipated that situational factors will feature prominently in the rape offences committed by stranger and non-stranger offenders. It is also expected that rape and rape offenders can be fitted to situational models of crime. It is predicted that the routine activities of offenders, their decision-making processes will conform to situational models of crime and Wortley and Smallbone (2006) offender typology will be robust enough to describe rape offenders.

6.2 Method

6.2.1 Participants

Participants in the study consisted of twenty currently incarcerated rape offenders in three Queensland prisons (Wolston = 7 and Woodford = 8 and Sir David Longlands = 5). Participants included male rape offenders, aged 19 and over (range 19 to 52 years, M = 30.3, SD = 9.41) who offended against adult females. They were interviewed between March and December 2004. All perpetrators had been convicted under the Penalties and Sentences Act (1994). Participants serving sentences for assaulting a male or child (under 16 years old according to Queensland legislation) were not included in the study because they fell outside the scope of the thesis. Education levels ranged from primary to grade 12.
with 25% reaching year 12. One half of participants were unemployed at the time of their arrest. Fifteen percent of the offenders were Indigenous and the remainder were non-indigenous.

Participants were initially identified through a printout of rape offenders with adult female victims incarcerated at the particular centre. The Manager (Offender Programs) at each centre was contacted to help identify rape offenders with adult female victims who had completed a sex offender treatment program. Interviews were restricted to graduates of the sexual offender treatment program, as concern had been expressed by prison authorities that in-depth interviews with prisoners who had not processed their offending behaviour in a program could become traumatised. Offenders with child victims were excluded from the study but otherwise there were no impediments to offenders being considered as a potential interviewee. Table 6.1 contains offence details and basic demographic information about the participants in the study. The information precises the offender’s accounts of events. The participants’ ages are reported in age categories rather than as a whole number for confidentiality reasons. The circumstances of the offence described below summarises offenders’ self-reports of their offences. The cases are numbered from 100 so to differentiate them from the DPP cases. Where emotive language is used in the table, it is taken directly from the participants’ narratives.
<table>
<thead>
<tr>
<th>Interviewee</th>
<th>Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>The offender (early 30’s) was intoxicated and walked past the home of his ex girlfriend/drug dealer late one evening. The victim (30) let him in and they smoked cannabis together but an argument developed. He raped her and then made her shower to destroy evidence. Earlier in the day he trashed his lawyer’s office after his child visitation arrangements had not been completed. He said the rape was not planned.</td>
</tr>
<tr>
<td>101</td>
<td>This offender (mid 30’s), a stranger rape offender, was drunk and while walking home on a lonely road met his victim, a young woman on her own. He pushed her into some bushes and raped her. He described the offence as unplanned and opportunistic.</td>
</tr>
<tr>
<td>102</td>
<td>The offender (under 20) had been consuming alcohol and drugs during the day and most of the evening. On the way home, he walked past his victim’s house; he knew her from school and was aware she was alone. He removed a light bulb over the front door, knocked on the door, and when she answered dragged her into bedroom and raped her. He claimed to have ill feelings towards her because she thought she was better than everyone else was at school. He had no previous sex offences and said it would not have happened if he were not severely intoxicated.</td>
</tr>
<tr>
<td>103</td>
<td>This perpetrator (mid-30’s) had recently separated from his wife. He explained that he went to her house to organise times to visit his children over Christmas. A heated argument ensured, and they had “make-up sex”. He claimed it was consensual. Her mother was in the house but did not hear the offence. The police were involved shortly after he left.</td>
</tr>
<tr>
<td>104</td>
<td>The offender (early 20’s) raped a female relative. He had previously had non-consensual intercourse with her when she was a child but was never charged. He was intoxicated/stoned at the time and had recently broke up with his girlfriend. He was staying at the house where his victim was babysitting. He went to his victim’s room, where she was sleeping alone, and raped her.</td>
</tr>
<tr>
<td>105</td>
<td>This offender (29) was a serial rape offender/burglar. He identified his victim</td>
</tr>
</tbody>
</table>
when breaking into her house and noticed her photo in the house. He left a window open and returned later, entered the house through the open window and raped the victim. He knew she lived alone and the layout of the house from his previous reconnoitre.

106 This offender (32) saw his victim walk into her house and wanted to rape her. He returned late the next evening. He was careful not to wake the victim’s male flatmate, threatened the victim with a knife, abducted her to the driveway (naked) and raped her. A passer-by yelled encouragement thinking it was consensual intercourse and the victim was too terrified to scream.

107 The rape offender (early 40’s) saw a potential victim and followed her to her unit but it had a concierge on duty, so he decided to look for an easier target. He went next door and found a victim living in a duplex; he surveilled her for 30 minutes, and entered by an open door, dragged her into her bedroom and raped her. During the rape, her flat mates came home but thought she was engaged in consensual sex in the bedroom. He was armed with a knife.

108 The perpetrator (late 40’s) and his wife separated after a 30-year marriage. He returned to the house to attempt reconciliation. An altercation developed and he physically assaulted her so she became dazed. He then carried her to the bedroom and had “make up sex”. Afterwards, she phoned her solicitor, and he called the police. The perpetrator had no previous convictions.

109 The interviewee (late 20’s) was drunk and angry at the time of the offence after a fight with a male friend; he had also recently broken up with his girlfriend. He had been binge drinking and went and sat in a park late at night to cool off. His victim walked past, he chased and then raped her in the park. On another occasion, he was again sitting in the park, drunk. He saw lights on in a house, went to investigate there and saw a young woman, broke into house and raped her. His third offence was similar to the first. He was sitting in the park, late one evening drunk when a young woman, alone, walked past. He gave chase and raped her in the bushes.

110 This offender (late 40’s) had a troubled marriage. He had caught his wife
Interviewee | Circumstances
-----------|------------------

having sex on a previous occasion and suspected she was still having affairs at the time of the offence. On the evening of the offence, he found incriminating SMS messages on her mobile phone. He became enraged, assaulted and raped her. The victim’s daughter phoned the police the next day.

This young offender (early 20’s) had been drinking most of the day and evening. Late on the evening of the offence, while quite drunk, he walked into a flat of the victim by mistake and found her asleep. He knew the victim from school but she did not recognise him; she told him to get out. He picked up scissors and threatened her before raping her on the bed.

The perpetrator’s victim lived in the same 4-unit block of flats as he did. He broke into her unit one evening, threatened her with a knife and raped her. She did not recognise him because it was dark. His next offences commenced when he noticed a young woman crossing the road, he followed her on foot, caught up to her on the street, told her he had a gun in his bag, put her arm around him to deflect attention, took her to building lot and raped her. His next victim also lived in the same block of units as he did. She was a university student. He saw her brothers leave, broke into the unit, threatened her with a knife and raped her outside the unit. Again, the victim did not recognise him. He saw his final victim in the street, followed her to her car, used a con to get in the car, raped her in the car, and then caught a taxi home still in his bright orange work clothes. He indicated that he knew police would track him from his taxi. He was in his early 30’s.

The victim asked the offender (early 30’s) for a cigarette on train station late at night, and he offered to walk her home, she phoned friends to pick her up but they did not. She was wary and uncomfortable but allowed him to walk her through a park on the way home. He pushed her to the ground and raped her.

The rape offender (mid 20’s) was drunk and stoned after a party at his mate’s place. He had recently broken up with his girlfriend and was feeling depressed. After everyone went to bed, he went into his victim’s bedroom and raped her. The victim was his mate’s wife’s girlfriend and he knew her. He thought it was consensual, but she told her boyfriend the next day and the police were
<table>
<thead>
<tr>
<th>Interviewee</th>
<th>Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td>115</td>
<td>This offender (mid-30s) was a serial rape offender. After completing his shift work one evening he went to shower block at the caravan park and raped the first woman who came in, threatened her with knife, she did not see his face. For his next two offences he waited on track near a rail station and attacked the first woman who came along alone. The third offence was several months later and had similar circumstances to his second offence. He was apprehended when his girlfriend found a (souvenired) victim’s driver’s licence. The girlfriend though he was having an affair so she phoned the victim to confront her. The victim soon made the link, and contacted the police who were able to trace the phone call.</td>
</tr>
<tr>
<td>116</td>
<td>This offender (late 20’s) raped two victims. He was drunk/stoned at the time of the offence. He had been drinking most of the day, went to a family dinner and continued drinking. When he returned home, he smoked cannabis and decided to go for a walk. There was a party at a nearby house. He walked in, found two girls alone in a bedroom and raped them.</td>
</tr>
<tr>
<td>117</td>
<td>The offender had been drinking at the pub after work and was quite drunk. On the way home through a park, he sat down to rest and, saw his victim walking by. He pushed her to ground and raped her. He was in his late 20’s.</td>
</tr>
<tr>
<td>118</td>
<td>The offender (late 30’s) was drunk when he and a mate, picked up hitchhiker, who he claims was a stripper at a local nightclub. They drove her to a lonely site and raped her. He claims the intercourse was consensual, but the police said he threatened the victim with a baseball bat.</td>
</tr>
<tr>
<td>119</td>
<td>This offender (mid 40’s) raped his stepdaughter by administering a stupefying drug to her while she slept. He took photos of the offending behaviour and his wife found them.</td>
</tr>
</tbody>
</table>
6.2.2 Procedure

Approval from the Griffith University Research Ethics Committee and the DCS was secured before the study commenced. Identified offenders were then approached individually, and after the purpose and nature of the research was explained, invited to participate. They were advised that the researcher was an employee of the Department of Corrective Services but the interviews were being undertaken for the purposes of doctoral research and not for any departmental purpose. The potential participants were assured that no record of their involvement in the research or their narratives would appear on their prison file and that the interviews were confidential and no identifying information would be included in the thesis. Participants were also assured that the researcher’s professional ethics as a psychologist would prevent disclosure of information to third parties. Potential participants were made aware that there were no inducements or penalties for participation or non-participation, and they could withdraw at any time from the interview without any disadvantage. They were provided with a copy of the consent form and a letter explaining the research (Appendix 4) and given at least a week to consider participating. All but one offender agreed to be interviewed.

Participants were individually contacted by the researcher at least one week later and asked for their decision. Any additional questions or concerns were addressed prior to the interview. Next, the information provided in the initial interview was re-iterated including the purpose and nature of the research, confidentiality issues, and the right to withdraw at any time without penalty. The signed consent forms were collected before the interview commenced. Participants were given the option of using a Dictaphone or having the session recorded longhand. Only one interviewee requested the interview be recorded longhand. The mechanics of the interview process was next discussed including the use of a Dictaphone and interview format. The writer also explained that he had a checklist of items (Appendix 5) and would refer to this to ensure that the required information was collected. It was stressed they should describe the events in their own words. They were cautioned only to discuss offences for which they had been convicted and to refrain from talking about un-apprehended crimes. This policy was to prevent any conflicts of interest for the researcher. A semi-structured interviews format was designed to allow participants the flexibility to narrate the offence in their own words with minimal interruptions from the researcher. It was anticipated that the participants would be more comfortable with a process where they had control over the interview and its direction.

The interview commenced with the interviewee being asked to describe the circumstances leading to his incarceration. Where necessary, the researcher asked directional, clarification or focusing questions but otherwise the interviewee had control of the interview. Interviews lasted from one hour 15 minutes to eight hours (conducted over three sessions). All interviews were conducted in
interview rooms in the prison with only the researcher and participant present. Interviews recorded electronically on Dictaphone were transcribed verbatim to a Microsoft Word file. The single longhand interview was not typed onto a word-processing file as the information could be obtained directly from the handwritten notes. All interviews were de-identified and assigned a case number (commencing at #100 to avoid confusion with DPP cases).

6.2.3 Materials

The information required for the research was informed by the data collection instrument used in the DPP study (Appendix 5).

The research question for this chapter revolved around the identification of situational factors in the narratives of convicted rape offenders. The main theoretical positions supporting situational models of crime are routine activity theory and rational choice. In particular, the component parts of these theories include offender motivation, victim vulnerability/selection, guardianship and the rationality of offenders were focuses of attention. Issues relating to offender motivation can be addressed primarily in aspects of their criminality, criminal versatility, intoxication, emotional status and psychiatric history. Victim vulnerability can be explored through items relating to the offender/victim interaction, while guardianship is explored by examining the role of others in the offence. The rationality of offenders can be pursued in examining offenders’ decision-making processes in terms of planning and utilisation of opportunity. Finally, Wortley’s (2001) theory of situations being invested with motivational power can be examined in the behaviour of offenders and his typology can be applied to offenders.

Coding of Responses

Responses were coded according to the model developed for the DPP file content analysis. The DPP coding model proved applicable to most of the situations described by the subjects. However, as the interviews allowed different questions to be asked of interviewees and items to be probed, there were some differences between the instruments. For example, it was possible to probe the offender’s emotional state at the time of the offence. Responses were coded as per the information provided by the subject. Where multiple responses to questions were given during the course of the interview, the first reason was coded. Analyses were employed using Statistical Package for the Social Sciences version 10.01 (SPSS V 10.01).

This section will describe the processes through which the data was screened to ensure accuracy. Data coding and data analysis issues are discussed first. Next, the analysis reports identified data such
as type of rape, ages of perpetrator and victim to place the offence and offender in a context. Thirdly, pre-offence factors are reported, followed by the factors proximal during the offence. Fourthly, the results detail post-offence factors, which include some brief victim details. The results are illustrated with interview information to emphasise or clarify the particular circumstances being described. Direct quotes are generally employed but sometimes synopses are used for brevity, clarification or style reasons.

After the interviews had been taped, they were transcribed into a Microsoft Word file, given an identification number and the tape was erased. The researcher kept one copy of participants’ names but no details linking names to code numbers were kept.

6.3 Results

The purpose of this study was to examine if situational factors were present in the narratives of the convicted rape offenders. The results support the thesis that rape and rape offenders can be placed within situational models of crime. The results will be presented in terms of descriptives that describe the offences and offenders in demographic and criminological factors. Next reported are the pre-offence, offence and post-offence characteristics. Results are presented either in cross-tabulation format, or where appropriate, in prose. In addition, where cell size allows, the data is analysed with chi-squares or t-tests. To facilitate chi-square analysis the cells are usually collapsed to allow a two-by-two analysis. For illustrative purposes, quotes or summaries from the participants’ narratives are included.

Type of Rape

Table 6.2 details the participants’ type of rape conviction. The majority of rapes involved victims unknown to the perpetrator with almost two-thirds of the rapes (63.3%) being stranger rapes. Two categories of non-stranger rape, date/acquaintance and marital rapes are reported. (These latter two categories are combined for the rest of the research into the single classification “Non-stranger”.) The over-representation of stranger rapes in this study compared to the DPP study (and to statistics presented in the rape literature, see Section 2.3) is possibly a reflection of the prisoner population where the interviews were conducted; stranger rape offenders serve longer sentences and are more likely to be incarcerated at the high security jails where the interviews were conducted. Ten stranger offenders were responsible for 19 rapes; four of them for 13 rapes. Only one non-stranger offender was convicted of two offences.
Table 6.2: Type of Rape

<table>
<thead>
<tr>
<th>Type of Rape</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stranger</td>
<td>19</td>
<td>63.3</td>
</tr>
<tr>
<td>Date/Acquaintance</td>
<td>8</td>
<td>26.7</td>
</tr>
<tr>
<td>Marital</td>
<td>3</td>
<td>10.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>30</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Rape Offender Situational Typology

Participants were also classified according to a situational typology (Wortley & Smallbone, 2006), and operationalised for rape offenders in the DPP chapter (see page 96). In summary, if offenders indicated that they had planned the rape, stated they were hunting for victims, or were serial rapists or described themselves as such, they were defined as predatorial rape offenders. Opportunistic rape offender were defined as being sexually indiscriminate, who seized opportunities if and when they present themselves, while the situational offender reacts to transient or difficult circumstances and frequently commits the offence in the heat of passion. Twenty percent were assessed as predatorily offenders who were aroused by rape and sought it out. Typically, serial rape offenders represent these offenders. Opportunistic offenders, the type of offender who sizes chances as they present themselves represent the largest category of offenders (60%). Situational offenders make up the remaining 20%. Their rapes may be triggered by situational circumstances like domestic dispute.

Table 6.3: Rape Offender Situational Typology

<table>
<thead>
<tr>
<th>Type of Rape Offender</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Predator</td>
<td>4</td>
<td>20.0</td>
</tr>
<tr>
<td>Opportunistic</td>
<td>12</td>
<td>60.0</td>
</tr>
<tr>
<td>Situational</td>
<td>4</td>
<td>20.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

Typically, predator type rape offenders are hunting for victims or turned on by rape:

_I went back up to her house I walked up to the verandah and I took out the light bulb and threw that away and I figured she wouldn’t be able to see me and I just knocked on the door and when she opened it I just stood against the wall for a little bit and that’s when I forced my way into the house. I grabbed her and pushed her back onto the bed and raped her. ... But even going right back, it all goes back to the rape, comes from your childhood pretty much because there’s just all different factors that lead up to it if it’s sexual or its women all..._
through life; just like pornographic videos and things like that and if you watch pornos it’s putting the images in your head. It just goes on and on and on like that. (Case #102).

I just walked the rest of the way and committed a whole heap of crime on the way to this potential victim and it was actually on the way there that the plan formulated in my head that, bingo, I was gonna rape this woman and then I ended up getting through to what I thought was a place that I thought she went into and through a back door, actually, that was actually open, it was unlocked, you know, actually opened. (Case #107)

I was very social, very proactive in the community and on this particular day I just was doing B&Es, break and enters and I’d been doing that for most of my life so it was just like a job to me so at that time and on this particular day I ended up entering through a bathroom window, I think it was, of an apartment and it, the sole occupant, was a female. .... and it was sort of like a big buzz and then I just turned around. ....I told her that, “Don’t scream or I’ll shoot her”. I proceeded into the bedroom, to the bed for her and I told her to roll over and that and then I tied her up. Tied her up, tied her hands behind her back and gagged her. (Case #105).

Opportunistic offenders typically described their offences in the following manner:

When I saw the light on, the intention was to go in and apologise (for a previous argument) and blow her out (i.e., smoke marijuana) – have a session, have a yarn and whatever and probably just move on. So, I went up to her place, knocked on the door. She seemed OK to me, accepted my apology, got inside, um, we started um talking, and um, she was asking me about jail and then she started asking me about my children. (Case #100).

It was about 3 o’clock in the morning. She was walkin’ home and I think she said that her and her boyfriend had an argument and she started to walk home and the boyfriend went around and dropped all of her other friends off and was goin’ to pick her up and then when she got to a street. ....she walked up into her street and that’s where she was grabbed and taken into the bushes and sexually assaulted. (Case #101)

Me victim went to bed and me sister went to bed and after they went to bed I continued drinking, using drugs, ah thinkin’ about the relationship that ended, getting more depressed and withdrawn as time went by and ah felt the need for um closeness and comfort so um, you know this was actually the second time that I offended against this person (Case #104)
The situational offenders typically described their offences as follows:

I went to the house and waited for my wife to come out of the house because I wanted to make up with her. I didn’t want to throw away 30 years and I noticed some of my clothes hanging out of the rubbish bin so I opened the rubbish bin up and a lot of my clothes were in there plus all of my family photos were torn in half twice. Every photo was torn in half twice, and there was a lot of them, which made me a little bit upset, to think that she could possibly do that. ... Never been in trouble with the police. (Case #103).

...and I was just playin’ with her [his wife] mobile phone and I read a message on it, ‘I love you my darling. Can’t wait to hold you, get together again’ and I asked her who sent the message and she just erased it, erased the message on the phone so I couldn’t track down who sent it and um so I punched her off the chair and um pulled all the clothes off.... Then I raped her. (Case #110).

Length of Sentence

The average sentence for the thirty offences included in the study was 9.40 years (SD = 4.71, range = 5 to 23 years imprisonment). The lightest sentence was for a date rape and the longest was for a violent stranger rape.

Previous Convictions

Table 6.4 presents details of the participants’ previous official criminal convictions at the time of their first official rape conviction. This item was endorsed if the participant had been previously convicted in an adult court of a criminal offence before the index offence. If the rape was the participant’s first offence he was not deemed a recidivist. On the information provided, the majority of offenders are recidivists with 75% having previous criminal convictions. Stranger offenders were proportionally more likely to have a previous criminal history (90%) compared with those with a known victim (60%). Of the five offenders without previous convictions, three were convicted of marital rapes. These results were not tested for statistically significant differences given that two of the cells had fewer than five responses, which render chi-square results unreliable.
Typical responses were:

I’ve been in plenty of trouble with mainly driving offences and drug offences, that’s it. I drive pretty fast and recklessly, which I admit that to anybody and I like smoking dope and, you know, using amphetamines so that’s the extent of my criminal history. I’ve been done for break and enter. Other than that I used to do workshops to get tools and spanners and things like that, you know, expensive equipment. Never ever, ever, ever broken into a house to steal someone’s TV or clock radio or anything like that. So to walk into somebody’s house and rape two women at once is just crazy. It’s just absolutely mind-boggling. (Case #116).

I’ve had warrants for unpaid (traffic) fines. I’ve had a lot of, and I’ve put charged with break and enter when I was 20 years old and other than that I haven’t really. (Case #113).

### Previous Violent Offence History

The participants’ self-reports of their previous adult convictions for offences of violence is presented in Table 6.5. The Australian National Classification of Offences (ANCO: Australian Bureau of Statistics, 1997) was used to classify the violence offences (e.g. homicide, manslaughter, assault, grievous bodily harm offences). A sizable minority of the 20 rape offenders (40%) have previous convictions for these types of offences, with stranger offenders proportionally having a higher conviction rate than men with known victims (50% versus 30%). A chi-square analysis returned a p value of 0.361 indicating that stranger and non-stranger offenders did not differ on this variable.
Table 6.5: Offenders with Previous Violent Offence Convictions

| Previous violent offence | Stranger | | | Non-stranger | | | Total | | |
|--------------------------|----------|---|---|------------|---|---|---|---|
|                         | N | % | | N | % | | N | % |
| Yes                     | 5  | 50.0  | 3  | 30.0  | 8  | 40.0  |
| No                      | 5  | 50.0  | 7  | 70.0  | 12 | 60.0  |
| Totals                  | 10 | 10   | 10 | 10    | 20 | 20    |

$\chi^2 (df = 1) = 0.83, p = .36$

Previous Sex Offence Conviction at Time of First Rape Conviction

Table 6.6 reports participants’ official previous sexual conviction history at the time of their first index rape conviction. The Australian National Classification of Offences (ANCO: Australian Bureau of Statistics, 1997) was used to classify the sexual offences (e.g., indecent dealing, aggravated assault, indecent exposure). In cases where two or more rapes arose from the same incident with the same victim, the participant was not considered a recidivist sexual offender if he had no previous sexual convictions. The item was endorsed only if the participant, prior to his index conviction, had been convicted as an adult of a sexual offence. If the index rape offence was the participant’s first offence, it was not scored as a previous sexual offence. Using these criteria, the majority of participants stated they were not recidivist sexual offenders at the time of their current offence. One-quarter admitted to having a previous sexual offence at the time of their first rape. Proportionally stranger offenders (30%) were more likely than non-stranger offenders (20%) to have a previous sex offence. Of the five rape offenders with a previous sexual offence history, all had convictions for non-sexual offences such as theft, property or violence offences. The rape offenders in this study must be considered versatile offenders in their range of offending. A chi-square analysis was not undertaken because of the small cell sizes.
Table 6.6: Previous Sex Offence History

<table>
<thead>
<tr>
<th>Previous sex offence</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Yes</td>
<td>3</td>
<td>30.0</td>
<td>2</td>
</tr>
<tr>
<td>No</td>
<td>7</td>
<td>70.0</td>
<td>8</td>
</tr>
<tr>
<td>Totals</td>
<td>10</td>
<td>100</td>
<td>10</td>
</tr>
</tbody>
</table>

Age of Rape Offenders at Time of First Offence

Table 6.7 presents details of the offenders’ age at the time of their first rape (M = 30.75, SD = 9.40, range = 18-48). Rapes were mainly the offences of young men with 55% of all offenders under the age of 30; 70% of stranger and 40% of non-stranger offenders. The youngest age group, men under 20, accounted for 15% of the rapes. The age groupings offer some support for a routine activity interpretation of the offence. For example, young stranger offenders would be more likely “out and about”, consuming alcohol (discussed in Section 3.2) and interacting with potential victims (see Section 3.2 for a discussion of the routine activities of offenders and victims). Non-stranger offences tend to be committed by older males at the time when relationships have broken down.

An independent groups t-test was undertaken using each offenders’ age at their first index rape offence. The results were not statistically significantly (t-test =1.264, df = 18, p = .22).

Table 6.7: Age at Time of First Offence

<table>
<thead>
<tr>
<th>Age</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>&lt;20</td>
<td>1</td>
<td>10.0</td>
<td>2</td>
</tr>
<tr>
<td>21-25</td>
<td>3</td>
<td>30.0</td>
<td>1</td>
</tr>
<tr>
<td>26-30</td>
<td>3</td>
<td>30.0</td>
<td>1</td>
</tr>
<tr>
<td>31-35</td>
<td>1</td>
<td>10.0</td>
<td>2</td>
</tr>
<tr>
<td>36-40</td>
<td>2</td>
<td>20.0</td>
<td>1</td>
</tr>
<tr>
<td>46-50</td>
<td>0</td>
<td>0.0</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>100</td>
<td>10</td>
</tr>
</tbody>
</table>

Ethnic Background

Table 6.8 presents the ethnic origins of the interviewees. White Australians account for 80% of the participants, Indigenous offenders represent 15% of the total and one offender was a Maori. White
Australians were proportionally more represented among stranger rapes (90%) than were non-stranger (70%) were. Notwithstanding that a chi-square analysis was not completed due to small cell sizes, there appeared to be no differences in ethnicity with respect to the type of offences.

Table 6.8: Ethnic Background

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N %</td>
<td></td>
<td>N %</td>
<td></td>
<td>N %</td>
<td></td>
</tr>
<tr>
<td>White Australian</td>
<td>9 90.0</td>
<td></td>
<td>7 70.0</td>
<td></td>
<td>16 80.0</td>
<td></td>
</tr>
<tr>
<td>Indigenous</td>
<td>1 10.0</td>
<td></td>
<td>2 20.0</td>
<td></td>
<td>3 15.0</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>0 0.0</td>
<td></td>
<td>1 10.0</td>
<td></td>
<td>1 5.00</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>10 100.0</td>
<td></td>
<td>10 100.0</td>
<td></td>
<td>20 100.0</td>
<td></td>
</tr>
</tbody>
</table>

Living Arrangements at Time of Offence

Table 6.9 presents the living arrangements of the offenders at the time of their first index offence. Nearly one-third (35%) of the interviewees were living alone at the time of their first offence. Proportionally, more non-stranger offenders (40%) than stranger offenders (30%) resided alone. Forty percent were living in environments such as work barracks, with relatives or friends, or no fixed place of abode. Stranger offenders were more likely to be living in these types of environments (50%) than men with known victims (30%). The cell sizes could not be collapsed into categories sizes that would allow for reliable statistical analysis.

Table 6.9: Living Arrangements at Time of Offence

<table>
<thead>
<tr>
<th>Living Arrangement</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N %</td>
<td></td>
<td>N %</td>
<td></td>
<td>N %</td>
<td></td>
</tr>
<tr>
<td>Boarding houses, half-way houses,</td>
<td>5 50.0</td>
<td></td>
<td>3 30.0</td>
<td></td>
<td>8 40.0</td>
<td></td>
</tr>
<tr>
<td>NFPA, share houses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Living alone</td>
<td>3 30.0</td>
<td></td>
<td>4 40.0</td>
<td></td>
<td>7 35.0</td>
<td></td>
</tr>
<tr>
<td>Living with partner</td>
<td>2 20.0</td>
<td></td>
<td>3 30.0</td>
<td></td>
<td>5 25.0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>10 100.0</td>
<td></td>
<td>10 100.0</td>
<td></td>
<td>20 100.0</td>
<td></td>
</tr>
</tbody>
</table>

Usual Occupation

Most rape offenders held unskilled jobs, when they were employed (Table 6.10). This item refers to the offenders’ usual occupation at the time of their arrest. No rape offender was employed in a profession or white-collar occupations at the time of their offence. The modal occupation was
unskilled type employment with 40% identifying that occupation as their usual type of employment. Over one-third (40%) were tradesman or in technical occupations such as mechanics or printers. No occupation appeared to provide occupational access to victims. No chi-square analysis was undertaken because of cell size issues.

Table 6.10: Usual Occupation

<table>
<thead>
<tr>
<th>Usual Occupation</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Unskilled</td>
<td>4</td>
<td>40.0</td>
<td>4</td>
<td>40.0</td>
<td>8</td>
<td>40.0</td>
</tr>
<tr>
<td>Technical/trade</td>
<td>3</td>
<td>30.0</td>
<td>3</td>
<td>30.0</td>
<td>6</td>
<td>30.0</td>
</tr>
<tr>
<td>Other (student, pensioner etc)</td>
<td>3</td>
<td>30.0</td>
<td>3</td>
<td>30.0</td>
<td>6</td>
<td>30.0</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>100.0</td>
<td>10</td>
<td>100.0</td>
<td>20</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Psychiatric Issues

Table 6.11 details the self-reported mental health status of the interviewees. If issues relating to participants’ mental health status were not revealed in their narratives they were asked if they had ever consulted a psychologist, psychiatrist or medical health professional, and if they had been diagnosed or prescribed medication for a mental health issue. If their descriptions indicated a DSM-IV condition, they were assessed in the positive. From their narratives, most have never received psychiatric or psychological treatment. One-fifth admitted to receiving psychiatric or psychological treatment, with 30% of stranger and 10% of non-stranger offenders receiving some type of psychiatric intervention. No participant volunteered a psychiatric condition as the immediate cause of his offending. Nor did their narrations indicate a direct link to the offence. However, psychiatric conditions among rape offenders appear at relatively high levels. It is acknowledged that these results most likely underestimate the true level of psychiatric conditions. For example, conditions such as anti-social personality disorders remain under-or-wrongly diagnosed by mental health professionals (Westen & Arkowitz-Westen, 1998). No further statistical analysis was completed due to the small cell sizes.

Table 6.11: Previous Psychiatric Treatment

<table>
<thead>
<tr>
<th>Psychiatric issues</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>No</td>
<td>7</td>
<td>70.0</td>
<td>9</td>
<td>90.0</td>
<td>16</td>
<td>80.0</td>
</tr>
<tr>
<td>Yes</td>
<td>3</td>
<td>30.0</td>
<td>1</td>
<td>10.0</td>
<td>4</td>
<td>20.0</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>100.0</td>
<td>10</td>
<td>100.0</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>
Typical responses in offenders’ narratives include:

“I took myself to see a psychiatrist down in Sydney because I was following women and I was basically, I was part of them, I was their shadow. You know what I mean? I could walk with a woman in tow where I could actually just feel her hair on my face as I was walking – that’s how close to them that I was and I was worried that my next step would be rape and I didn’t want to do that, so I took myself to a psychiatrist. (Case #106).

I mean I was going to go out and commit rapes and everything like that. I had a lot of anger issues. I started seeing psychologists and stuff like that. (Case #107)

I’m a pretty depressed person. I take tablets now for my depression and when I was out I used to drink a real lot. I’d say one carton of beer would be just warmin’ me up. I don’t drink – I’m an alcoholic but I don’t drink every day of the week. I’m a binge drinker and when I have a drink I have a drink. (Case #101).

…and it got pretty verbal on the phone. We were yelling and screaming at each other and it got pretty emotional, as you do. I’ve told her, “Alright, well everything’s apples, see you later” and she knew I had weapons and that. She’s rung the police and said, “He’s got guns, he’s gonna shoot himself”. So the police took me off to the hospital again for another assessment. They sent me away with medication as well. I started abusing that as well, as well as what I was already taking. (Case #116)

… so it was mixed emotions but leading up to it I was very anxious and stressed. Um, a lot of that’s due to at the time I was also receiving therapy from, um, after the assault of an adult. I went to see a psychologist because I was abused badly as a child. (Case #100)

Some offenders had not consulted a mental health professional but in hindsight thought they were suffering from a psychiatric condition before the rape. Self-diagnosis was not counted as psychiatric issues:

I was really depressed and my whole personality had changed. (Case #117).

I know what right and wrong was, I knew it back then but I chose not to, I thought I was just powerless to change who I was. I was heading down this road, I didn’t know where I was going. I was depressed because of my relationship ending. (Case #113).
Some of participants with possible indicators of personality disorders were never diagnosed or sought treatment.

*You know, you’ve got, you might have two or three people livin’ inside of ya and the other person, the deviant, might come out or there might be a killer. He might come out or there’s the straight person where he don’t want to get into trouble, he’ll stay on the straight and narrow path. (Case #101).*

### 6.3.1 Pre-Rape Behaviour

**Rape Offender’s Pre-Offence Behaviour**

The offender’s behaviour in the hours leading up to the 30 offences is examined in Table 6.12. Most rapes occurred during the offender’s leisure time, usually late in the evening. Almost two-thirds of all rapes (63.3%) occurred after the offender had been engaged in leisure activities, such as clubbing, drinking or at a party. Non-stranger offenders in particular (72.7%) were engaged in these types of activities prior to offending as were a majority (57.8%) of non-stranger rape offenders. The “Criminal activity” category reports rape offenders who were hunting for victims at the time of the offence or engaged in other illegal activities such as burglaries, or purchasing drugs that brought them into contact with their victim. No rapes were recorded during working time although one stranger offender was returning home after work.

A chi-square analysis was conducted by categorising offenders’ pre-rape behaviour (from Table 6.12.) into “Leisure” and “Non-leisure” activities to provide a sufficient sample size for analysis. This returned a chi-square of 0.660 and a p value of 0.42 indicating no statistically significant differences between the groups on this variable.

**Table 6.12: Immediate Prior Behaviour (All Offences)**

<table>
<thead>
<tr>
<th>Immediate prior behaviour</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Leisure/pubs/night-clubs</td>
<td>11</td>
<td>57.8</td>
<td>8</td>
</tr>
<tr>
<td>Criminal activity</td>
<td>6</td>
<td>31.6</td>
<td>0</td>
</tr>
<tr>
<td>Working</td>
<td>1</td>
<td>5.3</td>
<td>3</td>
</tr>
<tr>
<td>At Home</td>
<td>1</td>
<td>5.3</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td></td>
<td>11</td>
</tr>
</tbody>
</table>
Almost two-thirds of participants had been engaged in leisure activities (that usually involved alcohol or drug ingestion) prior to offending. Typical activities included:

*We’ve gone to the restaurant. We were there for a few hours, like up to about 11 o’clock at night, 11.30 or something that night. Then we’ve all gone back to my mum’s place and we’re all drinking still again. I still haven’t eaten, all I’m doing is drinking and I’ve still got the speed in my system and I’m goin’ outside mum’s place having a joint. (Case #116)*

*Then I ran into my uncle and, um, I went, I hadn’t drank alcohol or used any form of drugs for three years, um. I went to the pub and started drinking, got stoned, um, blocking out what was happening around me, um, I guess the environment by the time I started getting drunk was pretty ………. I was happy, you know, well I thought I was putting it all behind me but I guess it was always there. Um, that started about probably half past 10 in the morning and I drank til something like 12 o’clock at night, non-stop. (Case #100)*

*It was about five years ago and I’d been out heavily drinkin’ all night and the rest of it. (Case #105).*

*…and so we decided to go out for tea that night so we go out to a pub, the local hotel and we have a beautiful dinner and we go home to my place and we’re having a few drinks and smokin’ a bit of dope and then we, we were just talkin’ and that and we’ve both got mobile phones and I was just playin’ with her mobile phone and I read a message on it, ‘I love you my darling. Can’t wait to hold you, get together again’ and I asked her who sent the message and she just erased it, erased the message on the phone so I couldn’t track down who sent it and um so I punched her off the chair and um pulled all the clothes off…. Then I raped her. (Case #119).*

*Oh, well I was walkin’ home. I’d been out with mates all day and yeah I was just walkin’ home that afternoon (from the pub). (Case #117)*

*I finished work and I went back to me sister’s place and I started to have a few drinks and that and, well. And then I started to get a bit more drunker and that and I said to me sister, “I might go out”. So I went out (to a nightclub) and then it was like I was there and I just bein’ meself, drinking and then it was about 3 o’clock in the mornin’ and I went home. I started to walk home. (Case #101)*

One serial rapist was involved in criminal activity prior to the rape.

*On this particular night I’d seen the male and the other female leave. I’d walked out the*
front door and went down past the fronts of the other two units and saw through a small gap in the curtain that she was there on her own and she was actually bent down in front of a bar heater drying her hair. I then returned home, grabbed a pair of socks out of the washing and put them on my hands and went out the back door and in the rain climbed up two stories up a drainpipe and balanced there with my toes in the groove of the bricks, holding in with one hand while I quietly manoeuvred shampoo and conditioners and other products from the shower down one side of the window. I’ve then let myself in through the window. (Case #112).

One participant was visiting his wife contrary to a domestic violence order.

I grabbed her shirt and it tore open and she slipped down and hit her head on the top stairs and unbeknowns to me she’d hit it fairly hard and she just laid there and cried so it was then that I realized that things had gone too far so I picked her up and carried her upstairs, held her by one hand, pulled the blankets and that back off the bed and put her into bed. …we’d always have what we call makeup sex and it’s worked for 30 years. (Case #103).

Another was looking for drugs.

Just me and my mate and my missus was at my place all day. I’d been on some pills, some sleeping pills and I wanted some heroin so later on that night I needed some money to get the heroin so I went for a drive, seen a girl on the road. She was hitchhiking. She was in the middle of the street. She was all dressed up, you know, like a prostitute. I wanted some more drugs so the only way that I could get some money was to go scrappin’, you know, like go and get some copper wire and that from this factory that I knew that was there and um. What do you mean, like break into the factory? No, it was on the outside of the factory, you know, go through the fence. Didn’t have to break in. Yeah, and just grab some copper wire and that and make some money and get some heroin the next day. (Case #118).

**Intoxication at Time of Offence**

Table 6.13 details the offenders’ self-assessment of their intoxication (drugs and/or alcohol) status at the time of their offence(s). This item was scored in the positive if the offender indicated that he was intoxicated and/or under the influence of drugs at the time of the offence. If the information was not volunteered during the narrative, probing question was asked. Most offences were committed while the offender was not intoxicated (53.3%). Offenders with known victims were proportionally more likely not to be intoxicated (54.5%) than stranger offenders (42.1%). The Pearson Chi-Square test returned a p value of 0.51, indicating that the variables were statistically independent of each other.
Table 6.13: Intoxication Status at Time of Offence(s)

<table>
<thead>
<tr>
<th>Intoxicated</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Yes</td>
<td>8</td>
<td>42.1</td>
<td>6</td>
</tr>
<tr>
<td>No</td>
<td>11</td>
<td>57.9</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>57.9</td>
<td>11</td>
</tr>
</tbody>
</table>

χ² (df = 1) = 0.43, p = .51

Typical responses of offenders who had been drinking prior to offending were:

Um, I was that drunk and stoned, um, I was actually, I think, by the time I’d finished and sat down I was in a form of shock myself because I was shaking. (Case #100).

On the day of my offence I was drinking pretty heavily, taking all sorts of drugs like Valium and Panadeine Forte and marijuana and probably drank roughly a couple of bottles of bourbon and that night went to a friend’s house and we were there drinking, had more marijuana and then we would have been there until about midnight and that’s when I left and went home and that’s when I went past my victim’s house. (Case #102).

I’ve had this handful of Rohypnol I had because I was drunk and was still speeding off my head, my head was spinning. (Case #116).

So if I hadn’t have been stoned and drunk I wouldn’t have been in that frame of mind and I wouldn’t have been seeking the closeness that I wanted. (Case #104).

So I took her with me against her own will and I was that drunk that I left my license and the rum bottle there and I think even my clothing and walked naked back to my uncle’s premises. (Case #111).

I don’t know what I was thinkin’ about, that’s the part, because of the amount of alcohol I’d drunk I can’t really remember specific things I must have been thinkin’ about that night, and then after that I’d thought about. I do know what I linked it to now. (Case #109).

Not all the participants claimed they were intoxicated at the time, especially in non-stranger offences.

No, I wasn’t drunk. I had, I did have, I think it was probably a glass of wine while I was at her place, at (victim’s) place. But, no, I wasn’t under the influence when I went in there and certainly had my wits about me at that time. (Case #107).
On this particular day I just what was it I was doing B&Es, break and enters and I’d been doing that for most of my life so it was just like a job to me so at that time and on this particular day I ended up entering through a bathroom window, I think it was, of an apartment and it, the sole occupant, was a female. She wasn’t at home in that point of time and I kind of didn’t have any intentions of formulating a plan at that point in time but when I seen the photo of her and that I thought, “Oh, well, ‘cause I’ve been contemplating about it because of an association with rapists, while I was doing that two and a half years and I thought this will be the ideal victim. When I left, I left the back door open and I was sober. (Case #109).

Transitory Psychological Issues by Type of Rape

Table 6.14 presents the offenders’ subjective assessment of their emotional state at the time of the offence(s). Specifically, it refers to the interviewees’ assessment of their emotional state at the time of offending and includes emotions such as anger, rage, or depression. It attempts to capture emotions experienced by the offender immediately prior to offending and not the more salient psychiatric or personality characteristics measured in Table 6.11. The majority (60%) admit to being emotionally aroused when the offence occurred. It was more common among non-stranger rape offenders (72.7%) than stranger rape offenders (52.6%). The chi-square test was not significant, returning a p value of 0.28.

<table>
<thead>
<tr>
<th>Emotional Aroused at Time</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N (%)</td>
<td>N (%)</td>
<td>N (%)</td>
</tr>
<tr>
<td>Yes</td>
<td>10 (52.6)</td>
<td>8 (72.7)</td>
<td>18 (60.0)</td>
</tr>
<tr>
<td>No</td>
<td>9 (47.4)</td>
<td>3 (27.3)</td>
<td>12 (40.0)</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>11</td>
<td>30</td>
</tr>
</tbody>
</table>

$\chi^2 (df = 1) = 1.17, p = .28$

Eighteen of the rape offences were committed by men who described conditions of emotional arousal. One offender became very angry when his solicitor told him he could not have access to his children:

I was feeling good about myself, but when I got there and I became enraged and angry at the solicitor I actually trashed his office and threatened him and then I left. (Case #100).
Being pervasively angry just before the rape was not uncommon:

I was starting to get very angry with my behaviour of going out drinking all night until 5 o’clock the next morning until I had no money and I was trying to, I was personally trying to make an effort because of my financial responsibility. So that’s why I tried myself to get on that last train and, and how I managed to pull that off this night was just purely because that was what I had to do with the money that I had. (Case #113).

Every time I’d get upset or argue a point with somebody I’d sort of feel real guilty about meself and whether I have any right to actually judge anybody else because I know about me own behaviour and this would send me into a real deep sense of anger, very angry, and I have to usually get away from people then so I’d wander off and I’d wander around sort of beating meself up and carryin’ on about a lot of different issues and anyway what I done was I remember goin’ to an isolated place like I usually do when I’m in these kinds of moods. I usually go and sit in a park or heavily wooded areas or just somewhere on me own and if I’ve got alcohol. (Case #109).

If I remember correctly, I was pretty brutal with her I mean I had her up on her shoulders there rubbing her shoulders into the concrete and that. I was angry that I screwed up, you know, because I’m, when I’m onto something I’m usually, that’s what I usually focus on and I wasn’t a very happy little vegemite at that time and, yeah, I sodomised her and that. I know I left her, yeah, I tied her up and I left her tied up. (Case #107).

Others reported feeling depressed:

Um, on the day, um, I was feeling pretty depressed and emotionally distraught. I’d recently had a breakup with a relationship. The girl I was going out with rejected me and I felt very humiliated about meself. (Case #104).

Well, that Friday, I’m positive it is that Friday, I’m not too sure, but she rang up and broke off the relationship and this of course caused me to feel quite depressed again so I went out that night. (Case #109).

Victim Selection

Information on the process of victim selection was sought (Table 6.15). Varieties of reasons were submitted, but the most frequent was opportunity (73.3%) for stranger rape offenders, compared to 9.1% for non-stranger rape offenders. Stranger rape offenders are more likely to take advantages of situations as they arise, for example, meeting an intoxicated, vulnerable young woman in a lonely
place that facilitates the rape. “Opportunity” included date rapes or situations where the offender chanced upon a vulnerable victim. Anger or revenge rapes were related to relationship breakdowns where the participant expressed ill will towards his (former) partner. Anger in the context of this item did not refer to the subjective emotional experience of the participant at the time of the offence (see Table 6.14 above), but personal ill will towards the victim. These types of rape accounted for almost one-third (36.4%) of non-stranger rapes. Men, for example, who believed they were having “make up sex” after separation or that it was consensual, accounted for the “Other” category. No offender gave sexual satisfaction as the reason for the rape.

In order to facilitate a chi-square analysis a classification table based on Table 6.14 was constructed. The categories “Anger/revenge” and “Other/thought consensual” were collapsed into the variable “Not opportunity” and compared against “Opportunity”. The analysis produced a chi-square of 9.459 (df = 1) with a p value of 0.002, indicating that the variables are statistically associated.

Table 6.15: Reason for Victim Selection

<table>
<thead>
<tr>
<th>Victim selection</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N  %</td>
<td>N  %</td>
<td>N  %</td>
<td></td>
<td>N  %</td>
<td></td>
</tr>
<tr>
<td>Opportunity</td>
<td>18 94.7</td>
<td>5 45.5</td>
<td></td>
<td></td>
<td>23 76.7</td>
<td></td>
</tr>
<tr>
<td>Anger/revenge</td>
<td>0 0.0</td>
<td>4 36.4</td>
<td></td>
<td></td>
<td>4 13.3</td>
<td></td>
</tr>
<tr>
<td>Other/thought consensual</td>
<td>1 5.3</td>
<td>2 18.2</td>
<td></td>
<td></td>
<td>3 10.0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>11</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\[ \chi^2 (df = 1) = 9.46, p < .01 \]

Many of the reasons offered by offenders were quotidian and opportunistic:

*She was a, ah, like I said, a person I used drugs with, sold drugs with, bought drugs off and, ah, she was a friend. The light was on, it’s not unusual for her to be awake at that time of the morning and, um, I um. Actually, what happened before I went to jail, we had a bit of an argument over a, over deal. I had approximately $350. I had a bit of dope on me. When I saw the light on the intention was to go in and apologise for, you know, and blow her out – have a session, have a yarn and whatever and probably just move on. (Case #100).*

*It was about 3 o’clock in the morning. She was walkin’ home and I think she said that her and her boyfriend had an argument and she started to walk home and the boyfriend went around and dropped all of her other friends off and was goin’ to pick her up and then when she got to a street. That was about a half a k away, a kilometre away from the club, she*
walked up into her street and that’s where I grabbed and took her into the bushes. (Case #101).

I left and went home and that’s when I went past my victim’s house. I went down to my house and I thought, “I might as well go back up there” and that’s when the rape took place. (Case #102).

Later on that day my um, my victim had come over to be babysat by my sister and ah I was in the house at the time and ah we sort of just um, we had dinner and stuff. Me victim went to bed and me sister went to bed and after they went to bed I continued drinking, using drugs, ah thinkin’ about the relationship that ended, getting more depressed and withdrawn as time went by and ah felt the need for um closeness and comfort. (Case #104).

I remember it started rainin’ heavily. I didn’t care. I’d just walk around in the pouring down rain and it was pitch black, absolutely pitch black and then what drew me attention was a bright light came on, on the side of the house and straight away I just thought again, you know, ‘here we go’ and the same intense feeling of making someone pay again came across me and subsequently I just went after somebody else and attacked them again. (Case #109).

I think it was, of an apartment and it, the sole occupant, was a female. She wasn’t at home in that point of time (he had broken into the house) and I kind of didn’t have any intentions of formulating a plan at that point in time but when I seen the photo of her and that I thought, “Oh, well, ‘cause I’ve been contemplating about it because of an association with rapists, while I was doing that two and a half years and I thought this will be the ideal victim. (Case #105).

I usually go and sit in a park or heavily wooded areas or just somewhere on me own and if I’ve got alcohol I’d keep drinkin’ it but usually by that time you’ve run out and the anger just would take a long time to go away. It would simmer, I’d simmer you know and I’d go over things – over this and over that throughout me like and the offence took place. I remember an individual walkin’ past – now I wasn’t quite sure whether she was female. It turns out that she was once I got a bit closer. But I run after her and I, somethin’ just came over me. (Case #109)

She approached me for a smoke initially when I was getting off the train. She approached me for a cigarette, she actually walked slow and waited for me to catch up and asked me ‘cause she seen that I was lighting a cigarette. I’d actually tried to light a cigarette on the train, so
that’s how she knew I was smoking so my behaviour was somewhat irresponsible before I got off the train. (Case #106).

One serial rapist responsible for several rapes saw one of his victims crossing the road:

I was actually in a taxi which I caught the taxi from work and all I’d seen of this girl was as she crossed the road to go down another road. She crossed the t-section so to speak and the cab I was in was coming straight up and going up to the right. There was a row of shops there and this girl was coming straight across that road there and going down that lane and without thought, without hesitation I’ve told the cab to stop, I’m gonna go and buy some chicken and that for dinner, paid the cab and ran after her (Case #112).

Some participants still maintained that the intercourse was consensual:

We had consensual sex, parked it out the front of my place and about three hours or four hours later the police came and come in and said, “This car was involved in a rape” and I said, “No, we didn’t rape nobody. (Case #118).

One participant had fantasised about his victim:

... but I was still always attracted to her. She used to do nothing with me, like never talk to me, never say anything to me, so I always used to fantasize about her pretty much and then on that night I just thought, “Oh well, if you’re not gonna’ give it to me, I’ll just take it”. Because I had the alcohol in my system as well it made it a lot easier for me, to you know, think the consequences or anything like that. And so, yeah, that’s why I raped her. (Case #102).

**Indications Rape was Planned**

Table 6.16 summarises the interviewees’ responses to regarding the planning of offences. The item was scored in the positive if the offender admitted to planning the offence or if there was evidence that could be reasonably interpreted as involving planning, such as possession of a rape kit or prior threats to the victim. In almost two-thirds (63.3%) of all cases, offenders claimed the rape was not planned. Offenders with known victims were more likely (81.8%) to state the offence was unplanned compared to 52.6% of stranger offenders. Given the cognitive distortions of rape offenders (Webster, Bowers, Mann, & Marshall, 2005) it must be acknowledged that the offenders’ self-assessments of planning may be an underestimate. The chi-square returned a p value of 0.11 indicating that there was no statistical relationship between the groups.
Table 6.16: Indications Rape was Planned

<table>
<thead>
<tr>
<th>Planned</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>No</td>
<td>10</td>
<td>52.6</td>
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</tr>
<tr>
<td>Yes</td>
<td>9</td>
<td>47.4</td>
<td>2</td>
</tr>
<tr>
<td>Totals</td>
<td>19</td>
<td></td>
<td>11</td>
</tr>
</tbody>
</table>

Chi-Square = 2.556, df = 1, p =.11

In 19 of the rapes, the perpetrators indicated that very little or no planning was involved.

*It wasn’t planned, premeditated. It’s not even the person I am.* (Case #116).

*I didn’t have to plan much. I didn’t have to plan or groom her. She was already groomed. She was a family member, she trusted me and um. Now as far as planning goes it was, I didn’t think about offending against her until probably the 10, 15 minutes before I went into her room.* (Case #104).

*I really don’t recall actually planning on raping this woman.* (Case #107).

*I didn’t believe I was born a rapist or set out to rape anyone that day. I know how to have sex. I know how to make love to women but to actual, the thing about having a knife around. I haven’t threatened anyone with a knife in my life.* (Case #100).

*No, no, not, no, I didn’t go out and plan it. No, not at all. See, this is what may have confused me the most was how could you come home from work happy, good job, well employed, fit, healthy, you know, never had any problem with relationships or never had any problem with getting sexual activity or female partners but the deep sense of anger and sadness that come over me when I got into that argument with that bloke – I don’t know what I was thinkin’ about, that’s the part, because of the amount of alcohol I’d drunk I can’t really remember specific things I must have been thinkin’ about that night.* (Case #109).

*No, no plannin’, just snapped like that. There was no planning or grooming.* (Case #119).

*Like, never ever in my life have I sat down and thought, “I’m going to rape somebody”. Never. I’ve never ever sat down and ever thought violence, “Right, I’m goin’ to bash somebody”, you know what I mean? Oh, maybe I plotted to punch some people like when, I’ve since, I’ve been in prison.* (Case #111).
How much planning did you put into it? Initially, absolutely none. (Case #106).

Some rape offenders, especially serial rape offenders, planned their offences:

The subconscious was starting to kick in. I got to the point where I believed that it was me and the plan was to go and rape. (Case #112).

I was going to go and rape her and then I was going to kill myself and it was all planned out and I walked all the way down there which was like an hour’s walk to where she lived. (Case #106).

Oh yeah, the offence, it was planned. There’s no two ways about that. (Case #117).

I seen the photo of her and that I thought … “this will be the ideal victim”. I left the back door open. Prior to that I unlocked a window that was shut but unlocked and I unlocked the back door like this was late in the afternoon, I think it was about 5 or 6 o’clock, no it wouldn’t be 6, about 5, 5’ish. I thought I’d give her a shock, come back later that night, you know, she hadn’t discovered it and then OK. That night I come back, I think it was about 10.30 and she was, well I half like didn’t expect her to be home for some reason at that point in time and when I discovered the door was still unlocked I thought, ‘Oh well, this is a go’. I entered the apartment I think her bedroom was probably about 8 feet away from the actual back door. (Case #105).

I remembered this woman’s apartment and a couple of days later I went there and it was probably at about 11 o’clock I think it was and ended up raping her. I got into the apartment. I didn’t open the windows or anything, ’cause the windows were already open in the apartment – the bathroom window yet again. Entered the apartment prior to the rape date. (Case #107).

When I was back at home I took my jacket off and took my shirt off and then when I went back up to her house I walked up to the veranda and I took out the light bulb and threw that away and I figured she wouldn’t be able to see me and I just knocked on the door and when she opened it I just stood against the wall for a little bit and that’s when I forced my way into the house. I grabbed her and pushed her back onto the bed and raped her. (Case #102).
One offender admitted to having rape fantasies but not to planning rape.

*I can’t, I can’t honestly say, I’ve never had any fantasy, never any inappropriate fantasy of intending to rape a person.* (Case #113).

### 6.3.2 During the Offence

**Rape Site**

Table 6.17 presents the rape location. This refers to the actual site of the rape and not the initial contact site. The majority of rapes (53.3%) occurred in the victim’s residence, more so for non-stranger rapes (72.7%) than stranger rapes (42.1%). The rape offenders’ residence was only used in two cases by known offenders; in this study, stranger offenders did not use their own home to rape. Public outdoor areas such as streets and parks were also commonly used by stranger rape offenders (42.1%).

In order to facilitate a Chi-Square analysis the data was collapsed into the categories of “Victim’s residence” and “Other locations”. The latter category combined the other five categories. This analysis produced a p value of 0.10 indicating that the variables were independent of each other.

**Table 6.17: Description of Rape Site**

<table>
<thead>
<tr>
<th>ICS Description</th>
<th>Stranger</th>
<th></th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Victim’s residence</td>
<td>8</td>
<td>42.1</td>
<td>8</td>
<td>72.7</td>
</tr>
<tr>
<td>Public outdoor area - streets, parks</td>
<td>8</td>
<td>42.1</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Rape offender’s residence</td>
<td>0</td>
<td>0.0</td>
<td>2</td>
<td>18.2</td>
</tr>
<tr>
<td>Other indoor locations</td>
<td>2</td>
<td>10.5</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Vacant lot</td>
<td>0</td>
<td>0.0</td>
<td>1</td>
<td>9.1</td>
</tr>
<tr>
<td>Car</td>
<td>1</td>
<td>5.3</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Totals</td>
<td>19</td>
<td>11</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Sixteen of the rapes were in the victims’ residence:

*So, I went up to her place, knocked on the door. She seemed OK to me.* (Case #100)

*When I left and went home and that’s when I went past my victim’s house. I went down to my house and I thought, “I might as well go back up there” and that’s when the rape took place.* (Case #102).
I didn’t even have socks on. I’ve gone a couple of doors down to this party, walked in, grabbed two girls and said, “Come with me and gone to the bedroom” and apparently I’ve gone to one of them, “Listen, I won’t hurt you”. (Case #116).

So now I was just sittin’ in the lounge room thinkin’ about what I could do to make meself feel better, to get out of my depression and ah I was thinkin’ about me victim, thinkin’ how she made me feel better the first time and um I went into her room to see if she was awake and um she wasn’t awake so I woke her up and ah she was a little bit (Case #104).

It must have been about midnight and I remember my sister’s now he’s her husband – he came out and asked me to keep the music down ‘cause I was playing music on the stereo and he asked me to leave because they’ve got children and I was disturbin’ the children and their sleep and I left and I went into a flat across the road. I don’t know. I don’t recall whether I knocked or whether I walked straight in. I don’t even know if I knew who lived there. I’m pretty sure I was under the impression that an aboriginal female that I’d grown up in the town with. (Case #111).

Other offences took place in cars:

She was hitchhiking. She was in the middle of the street. She was all dressed up, you know, like a prostitute, standing in the middle of the road at night and I pulled over, because I was a bit worried. It was only down the road from a pub. If I didn’t stop, someone else would stop and she’d probably be dead, you know. At least if I pulled up I knew she was going to get home safe, you know. (Case #118).

I’ve just dragged her back into the car, slapped her again and like pushed her and pulled her towards the back seat, ‘cause there was no doors in the back and just pushed her there, turned the radio down and she threw me the keys because she actually thought that I was going to steal the car until I was and then I’ve got into the back seat. Um, and then I did what was necessary. (Case #106).

Rape Site Surveillance/Guardians Present

Table 6.18 presents details of surveillance or guardianship at the rape site. In the context of this research, surveillance refers to CCTV, technical or human observation of the rape site. Guardianship refers to the presence of an adult capable of preventing, and aware an offence is occurring. The
majority of the 30 offences sites (93.3%) were unsurveilled or lacking in potential guardians according to the offenders. The rape sites were characterised by seclusion and isolation and where the offenders were unlikely to be interrupted such as residences or cars. All stranger rapes occurred in environments without impediments for the offender to complete the rape. In two cases, both with known victims, potential guardians were nearby but unaware that the offence was taking place. In none of these two cases were the rapes actually witnessed by potential guardians. A chi-square analysis was not performed because two of the cells had less than two cases.

<table>
<thead>
<tr>
<th>Surveillance/guardians</th>
<th>Stranger N %</th>
<th>Non-stranger N %</th>
<th>Total N %</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>19 100.0</td>
<td>9 81.8</td>
<td>28 93.3</td>
</tr>
<tr>
<td>Yes</td>
<td>0 0.0</td>
<td>2 18.2</td>
<td>2 6.7</td>
</tr>
<tr>
<td>Totals</td>
<td>19 11</td>
<td>11</td>
<td>30</td>
</tr>
</tbody>
</table>

Twenty-eight of the rapes occurred when there were no witnesses or guardians. From their descriptions, they appeared to make sure that guardians were not present:

I (was) supposed to drag her into the bushes, sexually assault her and it’s still just a blank to me that I could get charged with somethin’ that I’ve never done. There’s no DNA, no witnesses, no nothing. (Case #101).

Her brother – he was at the same house I was drinking at that night and I knew my cousin worked nightshift from 11 o’clock or something onwards, until the next morning. So I knew he wouldn’t be there. (Case #102).

And then I walked around the house and then I, I, there was a dog, just this woman woke up and asked who’s there and that and I was actually standing over her at that time I think and I put my hands over her mouth and then I told her not to scream. I think I had a knife on me. (Case #107).

I think it was, of an apartment and it, the sole occupant, was a female. (Case #105).

So, what I’d done was I’d dragged her over a fence, from memory, pushed her down to the ground and told her to shut her mouth and not do anything, just do as she’s told and then I.
remember that I started to become aroused about the situation because after all she was female. (Case #105).

...and we go home to my place and we’re having a few drinks and smokin’ a bit of dope. (Case #119).

The victim was askin’ me to leave. She was afraid and she got up and went over to the phone. She picked up the phone and I sort of knew that if I didn’t intervene and stop her from doing that that police would be there and, yeah, I’d be in trouble and everything. (Case #111).

Where potential guardians were on site they did not know an offence was taking place:

When these offences occurred were you alone in the house with her? Was you wife at home? No, mate my wife was home, but she was asleep. Was anyone else present in the house? My son. And he was asleep? Yeah, he slept in a spare room. He’s got a small child. (Case #117).

Me victim went to bed and me sister went to bed. … I went into her room to see if she was awake. (Case #104).

Victim Access Method

Table 6.19 details the method used by rape offenders to access their victims. Most rapes involved a blitz style of attack (50%), which is a sudden surprise attack. If the victim was threatened with a weapon, the rape was defined as a blitz attack, even if no physical injury was involved. Stranger rape offenders used this method of control more frequently (68.4%) than non-stranger rape offenders (18.2%). A chi-square analysis returned a p value of 0.008 indicating a statistically significant difference between stranger and non-stranger offenders in their victim access method.

Table 6.19: Victim Access Method

<table>
<thead>
<tr>
<th>Access Method</th>
<th>Stranger</th>
<th>Non-stranger</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>N%</td>
<td>N%</td>
<td>N%</td>
<td></td>
</tr>
<tr>
<td>Blitz (injurious force)</td>
<td>13 68.4</td>
<td>2 18.2</td>
<td>15 50.0</td>
</tr>
<tr>
<td>Surprise (no force), date, con</td>
<td>6 31.6</td>
<td>9 81.8</td>
<td>15 50.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>19</td>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

χ² (df = 1) = 7.03, p < 0.001
One-half of the rape victims were accosted by blitz tactics:

I've gone a couple of doors down to this party, walked in, grabbed two girls and said, “Come with me and gone to the bedroom” and apparently I've gone to one of them, “Listen, I won’t hurt you”. (Case #116).

I grabbed a woman, pushed her to the ground, and raped her. I mean there was a bit of conflict in the story but I mean I didn’t worry about it because there was nothin’ I could do... (Case #117).

It got brought up in court that we had a baseball bat and we baseball batted her. (Case #118).

And I grabbed her and forced her to the ground and, um, gone about assaulting her. (Case #113).

It was like a lion that chases its prey and that’s basically what it was. Once you’ve locked onto the prey, that was it. Very little was going to deter you. Um, by the time that she’s actually reached the other side of the road I was there with her and I gave her a bit of a startle, so she was already frightened because I wasn’t there a second ago when she crossed the road and then all of a sudden I’m there so as soon as she was scared I’ve already got the upper hand, the vulnerability. Now I’ve told her that I had a gun in my bag and it had a silencer on it and if she tried to run or scream then I would shoot her in her head and that her head would fall off and I would just walk away, creating that fear. And once, she, I didn’t make eye contact with her because as I was actually looking around and I saw a woman up on her verandah but to the woman seeing it must have looked just totally natural, you know what I mean. I’ve told her to put her arm around my waist, I’ve put my arm around her waist and we’ve just walked off. (Case #106).

Force was not always used in the rapes:

I actually remember going in and doing what I did and falling asleep, like after I had sex with her the first time, falling asleep. Wakin’ up and having sex with her again. The reason why I woke up was because she had actually left the room. She actually left the room and come back in and she jumped back into bed and she woke me up and she actually said that I fell asleep again, this is the third time, second time, and woke up in the early hours of the morning and committed the second offence. (Case #114).
6.3.3 Post-Rape Behaviour

Activities to Reduce Arrest Probabilities

Table 6.20 presents the activities undertaken by offenders to reduce the probability of apprehension. In 90% of all rapes, offenders took no precautions to reduce the possibility of apprehension beyond threats. This was particularly noticeable with non-stranger offenders (100%) but 84.2% of the stranger offenders also took no precautions. The lack of apprehension reduction strategies supports the opportunity driven victim selection *modus operandi* of offenders. The relationship between the methods to reduce apprehension and type of offender did not prove significant with the Pearson Chi-Squared test with the determination of a 0.165 p value.

Table 6.20: Activities to Reduce Arrest Probabilities

<table>
<thead>
<tr>
<th>Reducing Arrest Probabilities</th>
<th>Stranger</th>
<th></th>
<th>Non-stranger</th>
<th></th>
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<tbody>
<tr>
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<td>N</td>
<td>%</td>
<td>N</td>
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</tr>
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<td>16</td>
<td>84.2</td>
<td>11</td>
<td>100.0</td>
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</tr>
<tr>
<td>Used gloves, condoms, mask etc</td>
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<td>15.8</td>
<td>0</td>
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<td>3</td>
<td>10.0</td>
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</table>

χ² (df = 1) = 1.93, p = .16

Some offenders used threats to reduce the probability of arrest:

*I pushed her into the bathroom first. When I did ask her, I told her to get undressed and to wash herself. That was basically to try and get rid of any evidence of the sexual attack. Um, once she finished washing I grabbed a towel and I put it around her throat, a tea towel over the basket and, um, I ordered her around the house, swearing at her, threatening her, her life if she wouldn’t give me the money and the drugs. ... I cut the phone cord and I basically left the house. (Case #100).*

*I held her hands above her head and if she tried to move, I put more pressure on her. At one stage I threatened her – told her to ‘shut up’ or ‘don’t move, I’ll hit ya’. (Case #102).*

*I think the gag was only on for probably 15 minutes tops, but her hands were free and I raped her the first time, had sex with her. The gag was on. I removed it shortly after that and then continues to have sex with her and made a few threats here and there and then that was the end of that one. There was no apology or regret. (Case #107).*
One offender contemplating his actions afterwards seemed surprised his actions were threatening:

... the solicitor said that he’d just come back from a seminar. He said that the new laws and that are in, he said if a woman feels threatened, even though she says “Yes” to having sex, if a woman feels threatened into having sex it’s classed as rape. (Case #103).

Most offenders did little to reduce the possibility of their arrest:

I got another two blocks I think it was. Two or three blocks and that’s when, well really the dog squad bloke called me up and said, “Where are you goin’?” and I said, “I’m goin’ home”. I said, “What’s goin’ on?” and he said, “Well, there’s been a sexual assault two blocks down” and, yeah, that was it. And then the cop car came around; I was in the police station. (Case #101).

...and after that when I went home the next morning I went to (town) as normal and then, it would have been a couple of hours later, was when I got arrested. (Case #102).

One offender told the victim she would be responsible for him going to jail:

Well, after it was all over, um, I told her to get dressed. I pulled me pants back up and um, ah I told her not to tell anyone but um if she told anyone we’d both get in big trouble, I would probably go to jail and her family would be disrespectful towards her – they’d think that she was a slut and so on, so um, told her not to tell and um she went back into the bedroom and I turned the lights back on and um I continued to do what I was doin’ – drinkin’ alcohol, smokin’ dope and ah after it was all over I um, I felt really ashamed about meself. (Case #104).

One participant said he was so intoxicated he had no memory of the offence or returning home:

So I’ve had these Rohypnol. I had about eight Rohypnol and then I’ve had a shower. I’ve got out of the shower and the last thing I remember is having a bong and I’ve just laid back with a lung full of smokes and last I remember is just blowing it out and then that was it, I went to sleep. And then the next thing I know I’m being woken up by a copper kicking me in the ribs saying, “I think we want to talk to you – can you come with us?” and that’s when I’ve run. That’s basically what I know of my offence. (Case #116).

6.3.4 Victim Issues

The next results are focussed on victim factors, specifically her age. This information is again, reliant on the offender’s recall, which may be affected by intoxication, rationalisations, minimisations, memory lapses and justifications. In some situations, the data were characterised by “unknown”
responses. This is most likely a result of the offender never seeing the victim again in the court process. If he pleads guilty in the District Court, he will usually receive a reduced sentence. In these circumstances, appearances by the victim in court are not required.

**Age of Victim**

Table 6.21 details the age of the victims, based on the recall of the offenders. Most victims were young women and approximated the ages of the perpetrators (Table 6.7). One-half of victims were under the age of 25. Notably, 54.5% of non-stranger victims were under 20 compared to 21.1% of stranger victims.

In order to facilitate a Chi-Square analysis cells were collapsed into two age categories, under 30 and over 30. The Pearson Chi-Square test found a p value of 0.710, indicating that the variables are independent of each other.

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<th>Non-stranger</th>
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**6.4 Summary and Conclusions**

This study continued examining the role of situational factors in rape through interviewing 20 incarcerated stranger and non-stranger victim offenders. The *modus operandi* and circumstances of the offences were of particular interest, as well as offenders’ perceptions of the proximal factors associated with rape. Two subsidiary questions were also posed relating to 1.) evidence of situational factors in rape in the narratives of incarcerated offenders and, 2.) differences in situational factors between stranger rapes and non-stranger rapes convicted in the District Courts. In addition, the
overarching research question continued to be explored using frequency counts, cross tabulations and Pearson chi-square.

With regard to the overarching research questions, situational factors emerged as significant factors associated with rapes. The rape offenders, especially those with stranger victims seemed to have well entrenched criminal attitudes. The subjects in this study emerged as versatile, generally non-specialist offenders, with entrenched criminal orientations. In routine activity theory terms, these are likely/motivated offenders, not necessarily committed to sexual offences, but perhaps to offending in general. Also, in routine activity theory terms, they were in the age groups bringing them into contact with potential victims; they were also involved in activities that exposed them to rape opportunities. Offender intoxication was a factor in almost one-half of all offences and offenders often strongly indicated the offence would not have occurred if they were not intoxicated. In situational crime prevention terms alcohol is a crime facilitator (Technique 25 in Cornish & Clarke’s, 2003, table), although nearly 55% of rapes involving non-stranger victims were alcohol free (Table 6.13). The opportunity structure of rapes was evident in the reasons provided for victim selection. Almost three-quarters of stranger rape offenders rated opportunity as the main reason (Table 6.15). Similarly, most rapes were reported as unplanned, an unsurprising finding given the opportunistic nature of most offences. The lack of planning could indicate that the offences were occurring in the context of offenders’ routine activities. Offenders (90%) did not undertake significant activities to avoid detection, such as using gloves, although stranger rape offenders were more likely to use them than non-stranger offenders (Table 6.20). No rape hot spots were identified, but most rapes occurred in locations identified in the literature, notably indoor locations (discussed in Section 2.6.1). Their common characteristic was lack of surveillance and witnesses, and privacy. Again, the offending location accorded with routine activity notions of surveillance. Rape offenders were also seen to abhor guardianship, it was almost axiomatic: guardians prevent rape. In addition, guardianship provided by burglar alarms or CCTV might prevent rapes. No rape offender mentioned security devices at any rape site.

The rationality of the rape offenders was evident in their choice of victims (invariably young women who were alone) locations that guaranteed privacy and the lack of guardians (Table 6.17 and Table 6.18). Although offenders were frequently quite intoxicated or drugged (Table 6.13), they exhibited rationality in their offending, although most indicated the offence would not have occurred if they were sober. Generally, their decision-making could be accommodated within a bounded rationality model.

Displacement did not emerge as a major factor in these rapes. Apart from the serial rape offenders, the interviews provided no strong indication that if thwarted they would have sought out other
victims. Displacement in rape presents significant problems for offenders. They have to find their vulnerable victim, without guardians, and close to a location where the rape can be effected. Displacement, in addition, is more likely with stranger than non-stranger rape offenders.

With regard to the first of the subsidiary questions, regarding evidence of situational factors in rape in the narratives of incarcerated offenders, the results are generally similar to those found in the DPP chapter and the conclusions relating to the overarching research question are applicable. An interesting finding was that opportunity was given by 77% of all offenders as the primary reason for victim selection – 95% of stranger and 46% of non-stranger offenders (Table 6.15). This finding offers some support for the notion that most offenders are not primarily motivated by deviancy per se, opportunity seems to be the deciding factors in most rapes. It also indicates that situational crime prevention techniques (Cornish & Clarke, 2003) should be useful in preventing both stranger and non-stranger rapes. Supporting this assertion is the finding that 60% of the offences were assessed as opportunistic (Table 6.3) and overall most of the offences (63%) were unplanned (Table 6.16) and where there was planning it seemed to be of an ad hoc nature. Related to the lack of planning was that nearly two-thirds of the offenders were engaged in leisure activities prior to offending (Table 6.12). The majority of offenders (75%) were not specialist offenders in terms of having previous sexual offences (Table 6.6) but 90% had a previous criminal history (Table 6.4). Rapes are embedded in a field of general criminality. The narratives indicate that situational factors are evident in the rapes examined.

Very few differences emerged between stranger and non-stranger offenders. In statistical terms, victim selection methods (Table 6.15) and victim access methods (Table 6.19) emerged as discriminating between the groups. Opportunity in victim selection was more likely with stranger (Table 6.19) 68% of stranger offenders used violence during the offence, compared to 18% of non-stranger offenders. Stranger offenders also had higher conviction rates for previous offences of violence than non-stranger offenders (50% and 30% respectively) (Table 6.5). There is some evidence that stranger offenders have greater exposure to the criminal justice system but in most other respects few differences emerged to discriminate between the groups. Most rape offenders do not appear to be specialist offenders but generalist offenders. There was little evidence that psychiatric conditions (Table 6.11) underpin their offending with 80% reporting they had not received treatment for psychological conditions. In summary, while stranger offenders have greater exposure to the criminal justice system, few other differences of significance emerged to differentiate the groups. Nor did results emerge that could indicate that a situational interpretations were inappropriate for applying to rape. On the contrary, rape has a strong situational underpinning.

Difficulties in obtaining a sample size for viable statistical analysis were an issue. While the majority of offenders approached were willing to participate in the study, offenders with adult female victims
were difficult to find. In addition, since participants had completed a sex offender treatment program their responses and understanding of the offences were most likely coloured by their participation in the course. Another methodological issue relates to the information provided by subjects - they may have provided socially desirable responses and avoided presenting data that embarrassed or presented them in unfavourably.

Overall, the results of this study are consistent with those from the ORNI and DPP studies. The opportunity structure, criminality, alcohol use at the time of the offence, psychiatric history, ages of victims, victim selection and locations were generally in accord with the other studies and could be fitted to a situational crime model. It was also noteworthy that sociocultural reasons for committing the offence did not emerge spontaneously. For example, raping to subordinate women was never mentioned. While deeper psychological and sociocultural motives are factors in rape, the reasons provided by offenders were more mundane and prosaic. In this regard, rapes appear significantly influenced by situational factors, can be fitted to situational models of crime and should be amenable to situational crime prevention techniques.
Chapter 7: Discussion

The purpose of the thesis was to examine rape from a situational crime prevention perspective. A review of the rape and situational crime prevention literatures indicated that situational crime prevention frameworks had, until recently, not been applied to sexual offending, although the approach had been successfully applied to a wide range of non-sexual offences. This begged the question, “Could a situational framework be applied to rape or did the nature of sexual offences preclude this type of approach?” The rape literature has generally argued for the primacy of sociocultural conditioning or deep-seated psychopathological motives as the chief instigators. This has led to an implied “rape is different” understanding of the offence. If rape is primarily an expression of deep-seated dispositional factors or culturally induced, then it may be less susceptible to situational models of interpretation. However, in reviewing the rape literature it became increasingly evident that the offence could be explained within a situational crime prevention framework but there was a dearth of empirical research. To investigate the usefulness of applying a situational model of crime framework to rape, one overarching research question was developed:

- What is the role of situational factors in rape?

To investigate this question, three separate studies were developed and reported in the thesis. Study one used Offender Risk Needs Inventory (ORNI) information to compare rape offenders with Indecent deal – child (ID), Grievous Bodily Harm (GBH) and Burglary - dwelling offenders across a variety of situationally relevant variables. The subsidiary research question for this chapter was, “Are rape offenders a special case?” The second study consisted of a file content analysis of DPP documents of men convicted of rape on situational crime prevention factors present during the offences. The research questions investigated in this study were, “Is there evidence of situational factors in rape offences convicted in the higher courts?”, and “Do the situational factors differ between stranger and non-stranger rape offenders convicted in the higher courts?” In the third study, convicted rape offenders were interviewed about the situational factors germane to their offence. The research question posed for this study was “Are situational factors in rape evident in the narratives of incarcerated offenders?” Between them, the three studies provided different perspectives on rape while exercising validity verification through triangulation. Stranger and non-stranger rape offenders were the focus of the Director of Public Prosecution (DPP) and rape offenders’ interview chapters to ascertain if situational factors differed with known and unknown victims. This focus was thought to be pertinent because most non-stranger rapes do not come to the attention of the criminal justice system. Stranger rapes were also thought to involve a different range of situational factors proximal to offending.
The findings of the three studies are summarised and explored in the context of the overarching research question and in the subsidiary questions. This is followed by an examination of each study’s strengths and weaknesses and the significance of the research. Next, the implications of the research are presented, with a focus on the rape and situational crime prevention literatures are presented and conclude with recommendations for future research.

7.1 Summary of Findings

The findings presented in the research support the thesis question that situational factors play a significant role in rape. In most of the cases and rape offenders examined in the study, the rapes seemed more a function of criminality than sexual deviancy per se. Control theory (Gottfredson & Hirschi, 1990) might provide more explanatory power in this regard. Their central argument was that crime is similar to other types of irresponsible behaviours in providing instant gratification. In most cases, it requires no special training or planning. Individuals with low levels of self-control can be expected to engage in inherently risky activities like binge drinking. Individuals with low levels of self-control may engage in criminal activities, such as rape, if environmental and situational factors are favourable for the commissioning of the offence. The decision to commit the offence may be dependent on external factors including victim vulnerability or lack of guardianship. In conjunction with a criminal motivation, the probability of rape increases. Wortley and Smallbone (2006, p. 13) in their investigation of child sexual abuse concluded, “Absence of restraint can manifest in a wide range of behaviors. The offender who succumbs to the temptation to steal is also likely to exercise little restraint when presented with opportunities to rob, assault and so forth.” Given the high levels of criminality and other types of reckless behaviour of the rape offenders investigated in this thesis their wild behaviour can spill over from irresponsible behaviour to crime, including rape. The findings did not support the notion of rape as a “special offence” as implied in the psychopathological literature. This conclusion is consistent with Wortley and Smallbone’s (2006) assertion that most child sexual offenders are better portrayed as opportunity takers, rather than sexual deviants. In addition, rapes can be interpreted in the context of situational models of crime and the major components underpinning situational crime prevention are germane. For example, the routine activity theory notion that offences occur at the intersection of a motivated or likely offender, a vulnerable victim and an absence of guardians was supported. Furthermore, rape victims were frequently identified during the offenders’ everyday activities, especially leisure activities. The “likely/motivated” offenders generally have significant exposure to the criminal justice system, anti-social attitudes and often histories of violence. They are also characterised by their levels of previous incarcerations, alcohol abuse, and intoxication while offending. These characteristics describe likely offenders with the criminal motivations and attitudes that can lead to rape. The results from the three
studies also indicate that the rape offenders are not significantly different from other groups of offenders in terms of alcohol, violence and anti-social attitudes. While not all criminals are sex offenders, the majority of sex offenders are generalist and recidivist offenders. Only a minority (albeit a significant minority) of the rape offenders were sexual recidivists.

- The first research question used Offender Risk Needs Inventory (ORNI) data to examine:
- Are rape offenders a special case?

It was hypothesised that rape offenders will prove relatively indistinguishable from the two non-sexual offence groups, especially in terms of their criminality, substance abuse and their own childhood victimisation issues. The results of the ORNI analysis indicate that rape offenders do not appear to be significantly different from the non-sexual comparison groups across a broad range of criminological, sociodemographic and situational factors. However, differences did emerge when rape offenders were compared with child sexual offenders; for example, rape offenders had more social supports, motivation or skills to assist their rehabilitation than ID offenders. Almost two-thirds of rape offenders were correctly classified by the logistic regression. A number of interesting findings emerged from the analysis in this chapter. Firstly, indigenous rape offenders are significantly overrepresented relative to their numbers in the general (and prison) community, with almost one-half of subjects classified as indigenous compared to 12.2% of child sex offenders, 37.5% of grievous bodily harm (GBH) offenders and 31.8% of burglars. The reasons for this overrepresentation can only be speculated upon. A possible explanation might involve women’s lower status in indigenous communities which renders them more vulnerable to rape victimisation. Other offences, especially, GBH and burglary, may be less frequently reported to the police or attract non-custodial sentences for indigenous offender, whereas a rape conviction will always attract a custodial sentence. The relatively low child-sexual offender rate flies in the face of findings of recent reports on child sexual abuse in indigenous communities (Ring & Wenitong, 2007; Robertson, 1999; Wild & Anderson, 2007). These reports describe child sexual abuse in indigenous communities at epidemic levels. For example, in their report on child abuse in the Northern Territory Wild and Anderson (2007) quoted the NT Centre for Disease Control estimate that sexually transmitted infection in 2000-2005 of all sexually transmitted infections diagnosed in Aboriginal people, 8% occurred in children under the age of 16 years compared with 3.2% for non-Aboriginal children. The ORNI child abuse statistic (ID), in the light of these reports, must be interpreted with caution and is most likely distorted by underreporting.

Secondly, a majority of rape offenders reported using substances at the time of the offence (72.4%). Again, alcohol emerges, if not as a facilitator of rape, then as a phenomenon that is highly correlated with its occurrence. Burglary offenders did score higher in the medium/high range for substance
abuse issues than rape offenders, 75% and 64.3% respectively. This may reflect burglary offenders’ drug addictions and/or criminal lifestyles which are supported by crimes such as break and enter. For example, Makkai and Payne (2003), in their study of substance abuse of incarcerated burglary offenders, reported a preponderance of drug usage (cannabis, amphetamines, heroine or cocaine) on or around the time of the offence for which the offenders were then incarcerated. The use of alcohol prior to offending could indicate that detailed planning is not a feature of rape and opportunity plays an important role. However, the notion that substances are used premeditatedly to excuse the offender if apprehended cannot be dismissed. The premeditated used of substances supports a rational choice understanding of the offence. From a situational perspective alcohol consumption is likely to bring motivated offenders in proximity to vulnerable victims.

Thirdly, the rape offenders in the study were older than anticipated with almost 40% aged in their 30s (Table 4.7). It is likely that the more enmeshed in crime an offender becomes the higher the probability of a rape offence, if favourable circumstances are chanced upon. This phenomenon is probably tapping the control theory (Gottfredson & Hirschi, 1999) notion of recklessness and could indicate that its manifestation occurs in both sexual and non-sexual spheres as favourable circumstances or conditions are encountered. Nevertheless, this supports a situational interpretation of the offence, especially a routine activity theory interpretation, with offenders more likely to be involved in activities that will bring them into contact with potential victims, especially in situations where alcohol or drugs are involved.

Fourthly, rape offenders have high levels of prior imprisonment with almost 60% being previously incarcerated. While the data does not provide direct evidence as to the nature of the offences leading to the previous imprisonment, there is strong evidence that most rape offenders have a history of non-sexual offences and are versatile offenders (Discussed in Section 2.4). The offenders in this study emerged as motivated offenders in the context of routine activity theory, and rape was most likely embedded in a field of non-sexual offending, for example 60.2% of rape offenders had been previously incarcerated, while 79.4% of rape offenders had medium to high criminal scores compared to 20.6% with low scores (Table 4.15). Although, 82.7% of burglars had been imprisoned on a previous occasion and had higher criminal history scores (Table 4.15), rape offenders still had a high exposure to the criminal justice system.

Finally, the variable measuring criminal history, which consisted of seven items, emerged as significant in only the burglary logistic regression analyses. Almost 95% of burglars had medium/high criminal history scores compared to 77.5% of rape offenders. Burglars, most likely are offending to support drug habits. They are also more likely to be given more chances by the courts to rehabilitate. Rape is an offence that almost always results in a custodial sentence. Somewhat
surprisingly, and contrary to expectations, GBH offenders were more likely to have been incarcerated on a previous occasion than rape offenders were, 72.9% and 60.2% respectively. Possibly, as the rape offenders in this study would consist of stranger and non-stranger offenders, the non-stranger offenders (date, marital, acquaintance victims) are somewhat more law abiding. It could be roughly estimated from the criminal history score items that approximately 78% of rape offenders had some prior exposure to the criminal justice system but not necessarily imprisonment. Housing needs (two items), substance abuse history (four items), use of time (two items) or transport breaches (four items) were all non-significant in the three logistic regression analyses.

In summary, the ORNI results provide supportive evidence for the notion that rape offenders do not differ from non-sexual offenders in most regards and support an assertion that rape can be interpreted from a non-dispositional perspective. Where differences did emerge, for example, with criminal history scores, previous incarceration levels or substance abuse histories, there seemed plausible explanations. For example, burglars were probably supporting drug habits which would elevate their drug abuse histories, compared to rape offenders. What is not in doubt is the relatively high levels of criminality, substance abuse scores, and previous incarcerations of rape offenders.

The research questions investigated in the second study (DPP) focused on:

- Is there evidence of situational factors in rape offences convicted in the higher courts?
- Do the situational factors differ between stranger and non-stranger rapes convicted in the higher courts?

It was anticipated that rapes would be influenced by situational factors in their commissioning. It was also anticipated that: 1.) situational factors would be evident in the rapes studied; 2.) non-stranger rape offenders will more likely be opportunistic and situational in their offending, while stranger rape offenders would be more commonly predatorily in their offending; and 3.) it was also anticipated that the majority of rape offenders will be criminally versatile with stranger rape offenders having more serious criminal histories.

With regard to the first research question, evidence of situational factors emerged from the analysis. For example, rape offenders’ routine activities prior to the rape most likely exposed them to potential victims. Offenders tended to be young men, not in relationships and intoxicated at the time of the offence. The majority of rape offenders had criminal histories and had been imprisoned on previous occasions but were less likely to be a recidivist sexual offender. If rape is understood as being more a criminal then a sexual offence, then these perpetrators are likely offenders. Their choice of victims could also be interpreted from a routine activity theory perspective. For example, victims were almost
invariable without guardianship and the offences occurred in unsurveilled locations. The majority of victims were not in the paid workforce. As Lee (2000) noted, younger people, unmarried people and the economically disadvantaged are likely to have everyday patterns that bring them in proximity with motivated offenders. In addition, the modal activity undertaken prior to offending related to leisure activities. Alcohol was also a factor in 60% of the rapes and offences were most likely to occur in the victim’s residence and almost invariably in situations where guardianship was lacking. With regard to the second research question, few differences emerged. Both groups had high levels of previous convictions but stranger offenders were more likely to have been previously incarcerated than non-stranger offenders were but the differences were not statistically significant. In addition, proportionally stranger rape offenders had a higher previous sexual offence history but the differences were not significant.

These offences could also be understood in terms of rational choice. While the majority of these offenders (65%) had a history of psychiatric treatment or mental illness, their conditions were not assessed as directly driving the offence. In other words, their reasoning and decision-making capabilities were not impaired or notably motivated by mental illness. Given that the majority of the offenders (71%) were not recidivist sexual offenders, it would also appear that they were not driven by powerful or uncontrollable sexual urges to offend; they were able to restrain their offending until they were alone with the victim. However, the majority (60%) of offenders were intoxicated at the time. Assaad and Exum’s (2002) argument relating to alcohol and physical violence is also applicable in rape and allows it to be placed in a rational choice context. They argued that intoxicated violent individuals were less likely to recognise the costs associated with their aggressive behaviour and with apparently few perceived risks associated with the violence, aggression can be seen as a rational and opportune choice to the intoxicated offender.

With regard to differences between stranger and non-stranger rapes, few distinctions emerged. However, a result that was not unexpected was that stranger offenders were more enmeshed in criminality. For example, 71% of stranger offenders had been previously imprisoned, compared to 56% of non-stranger offenders. Stranger offenders (64%) were also more likely to have a conviction for a previous offence of violence than were non-stranger offenders (38%). However, in terms of property offences there were no significant differences between the groups. Almost two-thirds of non-stranger offenders were engaged in leisure type activities immediately prior to the offence than stranger offenders (31%). The lack of differences between the two groups might be a function of criminality rather than sexual motives. Since most of the rape offenders were not recidivist sexual offenders (75%) and the majority of rapes showed no indication of planning (64%) and 90% did not undertake activities to avoid arrest beyond threats and 80% were assessed as opportunistic or situational, it is probable that both types of rape offenders were usually responding to situations
opportune for them. It is likely that a certain set of situational circumstances must be present for any rape, stranger or non-stranger, to occur, such as type of rape site, lack of surveillance, intoxication and victim selection. Hence, the relative lack of differences between the two groups of offenders. The higher levels of criminality in the stranger offenders (e.g., elevated previous rates of imprisonment) are probably the characteristics the more criminally inclined, violent and versatile offenders able to attack strangers. It would also include the minority of serial and repeat rapists.

The final subsidiary research questions examined evidence for situational factors in the narratives of incarcerated stranger and non-stranger offenders. Specifically:

- Are situational factors in rape evident in the narratives of incarcerated offenders?
- Do the situational factors differ between stranger and non-stranger rapes convicted in the higher courts?

It was anticipated that situational factors would feature prominently in the rape offences committed by stranger and non-stranger offenders. It was also expected that rape and rape offenders can be fitted to situational models of crime. It was predicted that the routine activities of offenders, their decision-making processes would conform to situational models of crime and Wortley and Smallbone (2006) offender typology will be robust enough to accommodate rape offenders.

These subjects emerged as versatile and non-specialist offenders. Large minorities had convictions for previous violent offences (40% of interviewees and 50% of DPP cases) and sexual offences (25% of interviewees and 29% of DPP cases). Opportunity was the major reason provided by the subjects for victim selection and the majority of victims were met during the offender’s routine activities. The majority of offences were unplanned according to the interviewees and they took advantage of situations that presented themselves. Displacement was rarely mentioned by the offenders as an issue in their offending. Offenders were careful to select rape sites where surveillance or guardianship was absent. Interestingly, most claimed the offence would not have occurred had they not been intoxicated. Likewise, a sex for power theme rarely emerged from their narratives. Offenders did not offer traditional sociocultural/feminist explanations for their offending. While, the notion as an underlying motive cannot be dismissed, the reasons they gave for their offending were more mundane and often fuelled by excessive alcohol consumption. In one case (Case #102), the offender had been consuming alcohol and drugs during the day. He had ill feelings towards his victim going back to school days. He thought his victim
thought herself superior to everyone else at school. He broke into her house and raped her. The motive appeared to be revenge or power. The men in these studies generally had pronounced criminal tendencies and rape seemed to be one of a range of offences they committed if opportunities presented themselves.

Although only limited victim information was collected in the studies, the findings support the routine activity theory notion of victim vulnerability as a factor in offending. Firstly, the overwhelming majority of victims were alone with the perpetrator and not in a position to resist. The rapes in this study were also characterised by a lack of guardianship as predicted by routine activity theory. Several possible reasons can be speculated. Firstly, the offender himself is in a vulnerable position during the rape; he may be partially unclothed and in a lying prone position and unable to easily resist the actions of guardians. Secondly, the probability of conviction increases exponentially if the crime is witnessed. Thirdly, sexual intercourse is an activity carried out in private. For whatever the reason, rape offenders shun guardians and witnesses. The extent that CCTV can exercise a guardianship role could not be determined by the studies, although it did result in several rape offenders being apprehended. Rape offenders most likely choose vulnerable victims - the intoxicated, those abused in childhood, the homeless, and the physical or intellectual handicapped - as it increases the probability of effecting the crime, while reducing the probability of a conviction.

A rational choice approach was also supported by these results. Rational choice posits that offenders are generally logical in their offending and seek to benefit themselves through their crimes while minimising unnecessary risk (Cornish & Clarke, 2003). The results of the studies confirmed rape offender rationality as a major factor in the offences. For instance, victims were almost invariably without guardians and the offences occurred in unsurveilled locations or situations. The literature (discussed in Section 2.5) also reports that victims incapacitated or rendered vulnerable through a variety of factors are at higher risk of assault. Juries appear reluctant to convict women who are perceived as contributing to the offence, for example, through intoxication (Scarpitti, 1977; Warshaw, 1988). Marginalised women are also less likely to prosecute and less likely to be believed within the criminal justice system.

Wortley’s (2002) thesis that crime opportunities or settings have independent power to provoke offending in an otherwise seemingly unmotivated offender was evident in some cases examined. Indeed, his concepts seem quite applicable to sexual offences such as rape where the immediate environment seemed capable of sexually arousing offenders. A number of case studies reported detailed offenders breaking into houses or finding themselves alone with young victims in pyjamas. These situations seem to sexually arouse offenders to rape and the effect is probably magnified by
intoxication and emotions such as anger. Victim vulnerability and rape myth beliefs may also provoke sexual arousal in some offenders. The notion of situations invoking motivation seems applicable for rape.

The rape offenders, like most prisoners are usually relatively young men (excepting the ORNI results). Non-stranger rape offenders tend to be older, perhaps a reflection on the length of the relationship with the victim. On the other hand, stranger rapes decrease with age. From a situational perspective, these men are probably less likely to be frequenting situations where they could meet potential victims or access them in the process of crime, such as during a break and enter. They may also be reasoning that stranger initiated offences tend to attract lengthier incarcerations. Additionally, younger women are less likely to be involved with older men socially, and older women are less likely to be sexual assault victims (Grossin et al., 2003). Age-wise stranger rape offenders resemble other prisoners. Rape also does not seem to be a male normative behaviour, spread across all age groups, but generally restricted to younger age groups.

Consistent with other findings in this thesis, Aboriginal offenders are over-represented among rape offenders with about 15% being indigenous (Table 6.8). This is possibly a reflection of the lower Aboriginal prison populations in the southeast Queensland, where this study was undertaken; most Aboriginal offenders are incarcerated in the north of the state. Although Aboriginal offenders are over-represented, they are not particularly over-represented in terms of the overall Aboriginal prisoner rate of 24.7% (Queensland Corrective Services Commission, 2005). The degree to which Indigenous offending was a function of situational factors found in the communities where they reside was difficult to determine on the information examined. In remote Indigenous communities, sexual offences frequently occurred in the context of “benders” where both perpetrator and victim are heavily intoxicated (Lloyd & Rogers, 1993). It could be speculated that from a situational theory of crime perspective there is most likely greater opportunity for offending in conditions of substance abuse, unemployment, poverty and crime. In other words, there is a concentration of motivated offenders and potential victims. It is noteworthy that 55% of non-stranger victims are under the age of 20 and in a communal living situation this could provide greater opportunities for motivated offenders to target socially immature young women.

The social and employment histories of the rape offenders were generally not extraordinary when compared to each other. They generally held unskilled jobs such as labourers, when they were in employment. Employment did not give them access to victims, nor did they seem to use it for identifying potential victims. In many regards, they resembled other non-sexual criminals. They do not appear to labour with significant psychiatric backgrounds to the degree they have been
hospitalised or received formal treatment. However, in the interviews, feelings of anger, depression, and unresolved conflict were relatively common. Their psychological functioning may be a precursor to offending, but not necessarily sexual offending. In other words, if the situations were not favourable for rape, they may not have committed the offence, but another offence if circumstances permitted, such as property damage.

Again, consistent with other findings (Firestone et al., 1998; Simon, 2000; Smallbone, Davina, & Wortley, 2002), the rape offenders in these studies were not specialist rape offenders. Seventy-five percent of interviewees had previous convictions; 40% for violent offences and 25% for sexual offences. These men were not specialist sexual offenders, according to their criminal records, but prone to commit a wide range of offending. However, a not insignificant quarter of them had a previous conviction for a sexual offence. Their criminality versatility implies, but does not confirm, that their sexual predations are underlain more by criminality than deviancy. Furthermore, even if their rape behaviour rests primarily upon deviancy, it does not mean that it is unresponsive to situational interventions.

Stronger evidence for situational factors is provided in the events leading up to the offence. Rape offenders tended to be engaged in leisure activities immediately before the offence. They were at parties, pubs, or nightclubs, before the offence. While they did not always meet their victim on site, they were often intoxicated or at least drinking alcohol. Their pre-offence activities were nocturnal. These leisure time activities are also likely to bring them into greater contact with potential victims and create more opportunities for rape, than those provided during working hours. Daylight also increases natural surveillance levels, for example, making rapes in parks or vacant allotments more visible than at night.

Alcohol is a major situational factor in rape. Almost a half of all rape offenders and 55% of non-stranger rape offenders are affected. These figures are in accord with the literature’s finding on alcohol’s association with rape (see Allison, 1993; Bohmer, 1993; Roerich, 1991). The involvement of alcohol is most likely a function of their leisure orientated pre-offence behaviour. Apart from lowering inhibitions, alcohol consumption is most likely to bring offenders into contact with potential intoxicated victims. Alcohol may lower the victim’s caution, leading her to engage in activities that are dangerous, such as allowing a newly met man to walk her home late at night through a park. Intoxication in women also sends a message to offenders that such women are available. Reduction in offender intoxication levels is likely to reduce the prevalence of rapes. The intoxication levels of many offenders strongly suggest that their offences were unplanned and opportunistic.
The rape offenders in this study were frequently experiencing emotions such as anger or depression at the time of the offence, often associated with relationship break-ups, and generalised feelings of worthlessness or hostility. These feelings were often exacerbated by intoxication. The majority of rape offenders in this study were not specialist sexual, but generalist offenders. The various combinations of alcohol, emotional arousal, and criminal propensities can combine to provide the conditions for a rape to occur. However, unlike child sexual offences, where the perpetrator is often the guardian of the victim, most rape offenders do not have the same opportunities or environmental control. They generally cannot easily create the circumstances for adult victim rape – too many circumstances have to be propitious for the rape offender. Smallbone and Wortley (2000) have argued that offences are a result of both dispositional and situational factors at work: the motivated offender cannot offend without the opportunities to do so. These results support that assertion.

Further indications as to the role of situational factors in the rapes were provided in the victim selection. The main reason was opportunity. Almost three-quarters of stranger rape offenders gave this as the main reasons for selecting their victim. These offences were generally not carefully planned crimes, but ones where presenting opportunities were exploited. Serial rape offenders were obviously less opportunistic in their offending, but even so, they also took advantage of random opportunities as they presented themselves. The interviewees did not go to any amount of trouble to access victims. For example, they were not dismantling alarm systems, or sawing through bars to access victims. This suggests that the offenders were not strongly committed to rape to overcome significant barriers. Generally, victims were characterised by their ease of access, which was generally a function of opportunity. None of the rape offenders put the effort or planning into their offences that bank robbers or fraudsters put into their offending. Apart from a small group of serial rape offenders who will go to some effort to access victims, most rape offenders impress as opportunistic offenders, who could theoretically be prevented by a range of situational techniques.

Most of the DPP rapes reported (60% in Table 5.23) had some degree of planning, but this tended to be short-term planning after a victim was identified as a potential target. The planning could be in the abstract, in that a stranger rape offender would set out to commit a rape but without a specific target in mind. However, there were cases identified where stranger rape offenders did set out to rape a particular victim that they had seen on previous occasions. Generally, the planning seemed to be of rudimentary standard, presumably because so many of them were intoxicated during the offence or emotionally aroused. In addition, very few rapes were the result of displacement where the thwarted offender went hunting for another victim and this gives some support to the notion that rapes were generally opportunistic in nature. Long term planning to rape is made difficult by specific conditions
needing to be in place to execute the rape. In the interviews, most rape offenders indicated their offences were unplanned (63% in Table 6.16). Like the DPP cases, the planning undertaken by the rape offenders in the interviews appeared rudimentary. The presence of capable guardians, especially male guardians, will almost invariably prevent a rape, for example, 93% of interviewed offenders (Table 6.18) did not offend in the presence of guardians. Stranger rape offenders generally lack the opportunity to surveil potential victims without arousing suspicions. Planning also implies the offender has made a conscious decision to rape. Frequently during interviews, the offenders indicated that they were surprised that they had committed rape, and they were not “rape offenders”. Supporting the notion of a lack of planning characterising rapes is the similar lack of activities to reduce arrest. Seventy percent of rape offenders did not even carry out basic precautions (Table 6.20); only 15% of stranger rape offenders used condoms or gloves. Their precautions often consisted of threats or entreaties not to send them to jail. Rape offenders were also lax about how they left the rape site. Most left by foot (73.3%), hardly the escape method for a well-planned rape.

An interesting result from the interviews was the lack of guardians present during the offence. Indeed, guardians are probably the strongest prevention factor for rape. Rape offenders do not have the ability to control others at the rape site. They are in a vulnerable position themselves and subject to attack. Witnesses also increase the probability of reporting to the police and identification. Guardianship represents one of the strongest prevention techniques, if it can be harnessed.

The second subsidiary research question posed for this chapter related to differences between stranger and non-stranger offenders. Few differences emerged between the two groups of offenders. Most of the comparisons returned statistically non-significant results, although statistical analysis was curtailed for some comparisons because of low cell size numbers. The offenders in this study were well enmeshed in the criminal justice system. Stranger offenders emerged as having greater involvement in the criminal justice system and more readily used violence in their offending than non-stranger offenders. They were generalist rather than specialist offenders and opportunity seemed to play a major role in their offending. They were also lackadaiscal in their effort to evade apprehension and their offences generally lacked in planning. Planning also seemed to be short-term, designed to utilise chance or fortuitous encounters with victims. Psychiatric conditions did not appear to underlie their offending although a majority of the interviewed offenders reported having some exposure to mental health conditions or treatment. In overall terms, on the variables they were measured on, they appeared to be cut from basically the same cloth.

Situational factors are a prominent feature of rape, and situational crime prevention theory is capable of describing it. On closer examination, its opportunistic and unplanned nature becomes evident. Rapes mainly occur under a narrow range of circumstances, the most prominent one being the lack of
guardians at the rape site. Another common feature of the rapes was that offenders did not go to extraordinary lengths to access victims; locks, bars and alarm systems seemed to be a deterrent.

While dispositional factors seemed to prepare the offender for the offence, they are not the only factors in the rape equation. Situational factors were significant elements in the offence. Unless these were propitious for the rape offender, the offence was unlikely to take place.

7.2 Significance of the Research

The research presented in this thesis is significant because it applied a situational model of crime to rape and examined the offence from a perspective different to the dispositional or feminist/sociocultural perspectives. This research has provided a strong case for understanding rape from a situational perspective. In doing so, new avenues for theoretically understanding the offence and devising preventative interventions have been opened. In particular, rape can be understood from a criminological perspective and open to situational crime prevention interventions. In addition, recent developments in situational crime prevention theory and practice have considerably expanded the scope for applying situational crime prevention to rape. In particular, Cornish and Clarke’s (2003) expanded set of situational crime prevention techniques are able to provide the utility to investigate the nuances and finesse of rape. Another feature of the research is the chance to investigate Wortley’s (2001) assertion regarding situations themselves providing the motivation for offending.

The findings also add to the corpus of knowledge about rape and support the notion that a situational crime prevention framework can be applied to the offence. The rapes examined during the course of the research impressed as being significantly influenced by situational factors although dispositional factors were associated with offending. Rapes frequently had an opportunity structure not that dissimilar to non-sexual offences. This was not particularly surprising given that most rapes are committed by versatile and recidivist offenders who most likely commit other offences under similar circumstances. While the primary motivation for sexual offending lies within the explanatory realms of psychopathological and sociocultural/feminist frameworks, the offences occur within a context susceptible to environmental and situational manipulations.

The research also supports the robustness and theoretical sophistication of situational crime prevention in dealing with a new category of offences. Situational crime prevention has generally concentrated its focus on non-sexual offences, especially crimes occurring in restricted time and space. Reservations were expressed about the utility of situational crime prevention in dealing with sexual offences that occurred in private and were motivated by passion or sexual desire (Gilling, 1997). These criticisms echoed the notion that sexual offending was a special kind of offence...
different to non-sexual offences and would prove unresponsive to situational interventions. However, the expansion of the situational techniques to 25, a new offender typology (Cornish & Clarke, 2003), Wortley’s (2001) work on how situations influence motivations, and recent work on child sexual offending from a situational perspective (Wortley & Smallbone, 2006) indicate that sexual offences can be understood and addressed from situational perspective.

7.3 Limitations

Although important findings emerged from the studies, caution must be exercised in interpreting the data because of methodological limitations. The limitations include sampling and data collection issues.

The limitations associated with the studies relate to the relatively small sample size in the studies and the fact that it did not necessarily have the right variables. The ORNI had been in operation for approximately three years when the data was collected and analysed for the thesis. Every offender in custody had at least a partial ORNI completed and newly sentenced prisoners had the complete questionnaire administered. For a number of reasons only 98 rape offenders could be identified as having adult female victims. There were undoubtedly a large pool of these types of rape offenders contained in the dataset but they were unidentifiable. The results from this study could be interpreted with more confidence if the number of subjects were higher. The ORNI has now evolved into a “revised” model, which has significantly improved the data available for researchers but this had not come on stream at the time of the research. In addition, secondary database analyses are dependant on the information collected. The ORNI was designed primarily as a management tool for a correctional agency and as such its component variables were not always situationally specific. Future researchers will have a dataset from the ORNI-R capable of providing a very clear picture of rape offenders and their environment.

The DPP dataset was also limited by sample size. A larger dataset would also have provided a more representative sample of rape offenders. The files at the DPP storage room were exhausted in this study. Unfortunately, the computer system did not allow for the identification of “guilty of rape” cases, which would have reduced the need to manually check each file for outcome status. Again, a larger sample would have improved the confidence which conclusions could be drawn from the data. The DPP files also only showed one side of the offence. Frequently missing from the file were the final submissions by the defence barristers and the judges summary of the case for the jury.

Interviewing offenders also posed methodological problems that could effect the responses provided. The information collected was provided solely by the interviewees. As a group, rape offenders are
characterised by their lack of insight and cognitive distortions and these factors could colour their responses. In addition, discussing the offences might prove embarrassing for the individuals concerned and they might provide socially desirable answers to alleviate their emotional functioning at the time of interview. There is also a natural tendency to protect oneself through a variety of psychological processes such as minimisation, justification and rationalisation. Interviews might consciously or unconsciously present themselves in the best light and provide misleading information. For instance, it might be better to emphasise the role of intoxication in the offence, rather than admit to a character flaw. Another factor potentially contaminating the information provided was attendance at sex offender programs. Many of the offenders had attended treatment programs and the influence of these programs in the terminology and concepts used was noticeable.

A final methodological issue is the forensic nature of the documents and individuals used in the study. Most rapes never come to the attention of the criminal justice system and are committed by men known to the victim. The subjects and cases examined in this thesis were all convicted rape offenders and as such quite unrepresentative of rape offenders as a whole. Most rapes occur in date or marital situations and are not perpetrated by strangers. The results may be contaminated by the overall criminality of the subjects and aspects of their criminality may have been measured in the studies.

Nevertheless the three studies provides sound indication that situational crime prevention is a theoretical construct describing rape and has capacity to reduce the prevalence of rape. The studies generally provided similar results across different methodologies indicating that situational crime prevention offers a viable alternative theory of rape and prevention practice. Most rapes have an opportunity structure similar to non-sexual offences that comfortably fit within a situational framework and as such should be able to be addressable with situational interventions.

7.4 Implications

The research had implications for practical, theory and future research. The practical implications are associated with the prevention of rape using situational crime prevention techniques.

7.4.1 Practical Implications

Cornish and Clark’s (2003) typology of interventions emerged from these studies as techniques capable of preventing rape. Some situational crime prevention interventions had a more powerful utility than did others. For example, techniques such as increasing the effort refers to the techniques that make offences more difficult to initiate. These techniques typically involve the use of locks and
barriers, controlling access and deflecting offenders from targets. For rape prevention, this principally requires techniques that prevent offenders from accessing victims. This is perhaps more applicable to stranger or marital rapes that involve a separation. Most of the stranger rape offenders who attacked their victims in their residences gained access through unlocked doors or windows. While many of these rape offenders impressed as accomplished burglars, they did not go to great effort to gain entry. Locks, screens, and burglar alarms could have prevented some of these rapes.

Increasing the risk for rape offenders and potential rape offenders has significant preventive utility. Rational choice theory argues that offenders are active decision makers and their decisions are based on self-interest. Interventions that increase the risk include extended guardianship, assisting natural surveillance, reducing anonymity, utilising place managers and strengthening formal surveillance. The results reported in the thesis indicate that the lack of guardianship was strongly associated with rape. Rape offenders are unlikely to attack women in groups or in the presence of witnesses; from a rational choice perspective to do so significantly increases the probability of apprehension and conviction. Techniques suggested by Cornish and Clarke (2003) in this regard such as going out in groups, leaving signs of occupancy and carrying phones will prevent some rapes, especially those initiated by mundane or opportunistic offenders.

Reducing anonymity may prevent some rapes, notably stranger rapes. Prisoners in Queensland are now routinely DNA tested and this practice would have led to the earlier identification of some serial and stranger rape offenders. In non-stranger rape cases, this technique has less utility. Most rape defences in court centre around consent, not if sexual offence occurred. Nevertheless, given that most rape offenders have been incarcerated on a previous occasion, DNA testing should prevent some rapes.

Given that most convicted rape offenders have been in contact with the criminal justice system, strengthened formal surveillance is an option that could reduce sexual offending. It could include extended community supervision for sexual, violent or serious, and persistent offenders. Sexual offenders in Queensland are placed on a special offender register and serious sexual offenders can have their sentence extended until they are deemed not to represent a risk to the community. There are also early indications from the USA that harsher jail sentences as exemplified by “three strikes and you’re out” legislation has reduced the rape rate. The reasons offered by Jones et al., (2001) for the decline in child sexual abuse over the last couple of decades are likely to be also applicable to rape. These are increased public awareness of child sexual abuse, widespread prevention programs, the incarceration of a large number of child sexual offenders, intensified prosecutions of offenders, the treatment for offenders while incarcerated, and increased monitoring of sexual offenders by the police. It has been hypothesised that incarcerating serious offenders reduces the pool of potential
(rape) offenders from the community (see Jones et al., 2001). However, the majority of rape offenders never come to the attention of the criminal justice system authorities. Reductions in the prevalence of rape must centre on the non-forensic population of young men responsible for the majority of rapes. In this regard, situational crime prevention techniques suggested by Cornish and Clarke (2003) will prove useful.

Techniques focusing on reducing provocations are centred on reducing frustrations and stress, avoiding disputes, reducing emotional arousal, neutralizing peer pressure and discouraging imitations, especially those reducing disputes and reducing emotional arousal, also have applicability to rape. Non-stranger rapes, especially marital rapes, involve unresolved disputes and the rapes seem to involve revenge. Domestic violence orders may keep altercating partners separate, but extremely angry offenders are unlikely to be deterred. These orders may reduce the number of rapes committed by mundane or provoked offenders. In a similar vein, reducing emotional arousal may prevent some rapes. The psychopathological literature indicates that many rape offenders are experiencing emotional arousal proximal to the offence (McCabe, 2005). Their inability to addressing their anger, relationship breakdown or sexual arousal underpins many rapes, particularly where it is magnified through the effects of alcohol.

The final set of situational crime prevention techniques proposed by Cornish and Clarke (2003) involve removing excuses. Many offenders use a variety of psychological techniques to minimise, justify or rationalise their offending. It frequently occurs in ambiguous situations where rules may not be explicit or where advantage can be taken of propitious circumstances. The techniques underpinning the removing of excuses, setting rules, posting instructions, alerting conscience, assist compliance and controlling drugs and alcohol. Alerting conscience and controlling drugs and alcohol seem the most powerful intervention techniques available for rape offenders. Alerting conscience could be undertaken in the context of cognitive skills or sex offender training programs offered by correctional agencies. It is well recognised that sexual offenders labour with cognitive distortions, especially those involving rape myths (Heinrich, 1987; Schewe & O'Donohue, 1993). As the majority of rape offenders have contact with correctional agencies, intervention course may serve a prophylactic purpose in removing some of the supports for cognitive distortions. However, it must be acknowledged that the efficacy of these programs to produce a treatment effect is controversial. Perhaps the situational technique with the most probability of reducing rapes is controlling alcohol and drugs. The majority of rape offenders claim to be intoxicated at the time of their offence. Addressing alcohol abuse issues while offenders are in contact with correctional agencies is perhaps the best way to undertake this.
In general, no situational crime prevention technique emerged as the primary prevention technique, although those reducing alcohol consumption was deemed crucial. The circumstances of the rapes examined in the three studies made it impossible to select one technique applicable to all rapes, although the absence of guardianship also revealed itself as a constant in an estimated 95% of rapes. Most likely, a combination of different types of situational techniques could prove effective in reducing rape. It is estimated that at least 85% of the rapes examined were preventable by situational crime prevention interventions. Non-stranger rapes impress as the most difficult to prevent as the perpetrator usually has freedom of access to his victim and in many cases, in similar circumstances has not committed a rape. Stranger rapes can be made more difficult with locks and bolts, but may result in a fortress society. Certainly, compulsory DNA testing of prisoners should drastically reduce the number of offences committed by serial rape offenders – most have been imprisoned on a previous occasion so their DNA markers, held on a police database would identify them.

Finally, it must be stressed that the interventions offered by the sociocultural/feminist and psychopathological approaches can combine with situational approaches to reduce rape. It has been argued in the thesis that both of these approaches have their deficits (as do situational approaches) but they still describe crucially important aspects of rape. In particular, rape’s power, social, cultural and psychopathological distal underpinnings are informed by these literatures better than by situational approaches which focus on the proximal.

**7.4.2 Theoretical Implications**

Major theoretical implication to emerge from the research is that rape does not have to be understood only as an offence of deviancy or as a method for subjugating women. It has been argued in the thesis that non-dispositional factors account for a significant proportion of rape offenders’ motivation. In addition, the dispositional factors underlying rape need not be considered primarily related to sexual deviancy. Individuals with low self-control are more likely to commit crimes and engage in other types of imprudent and reckless behaviours (but not necessarily criminal) such as reckless driving (Gottfredson & Hirschi, 1990). These types of dispositions rather than deviancy might underlie the rape motives and its proximal causes for most sexual offenders. It has also been argued that sociocultural factors provide the environment in which rape supportive attitudes are nurtured. Both frameworks describe crucial aspects of the genesis, maintenance and expression of sexually deviant behaviour. The findings of this research indicate that most rapes are significantly influenced by situational factors. Rape, then does not have to be understood in terms of being different to non-sexual offences. This opens the possibility of applying situational crime prevention interventions that have proven successful in reducing non-sexual offences.
The findings also support Wortley’s (2002) contention that situations themselves can provide the motivation for a thereto unconsidered offence. In a number of the rapes studied, the offender entered a situation where the victim was present without an intention of rape. In other situations there were indications that break and enter offences became rapes when the victim was found in bed asleep and in her nightie. The association between bedrooms, beds and young women in nightwear may act as a prompt for some offenders. The arousal effect can be magnified by intoxication and transitory emotions such as anger over relationship breakdowns.

The offender typology presented by Cornish and Clarke (2003) had theoretical implications. They posited an offender typology consisting of an anti-social predator, a mundane and provoked offender. The anti-social predator actively seeks out offending opportunities and is the “default” offender type from a rational choice perspective. Stranger and serial rape offenders particularly represent this type of offender. The mundane offender may not actively seek out offending opportunities but takes advantages of situations encountered, especially if there is ambiguity involved. Some date and marital rape offenders fit this category. The provoked offender is a reactive offender who may commit his offence in the heat of passion. It may describe some marital rape offenders who offend in the context of ongoing disputes with his partner. Increasing effort, risks and reducing rewards were the appropriate situational crime prevention techniques for the three categories of offenders. Additional techniques of removing excuses for both mundane and provoked offenders, in addition to reducing provocations for provoked offenders were also proposed. The typology proposed by Cornish and Clarke (2003) was able to accommodate the offenders in this study. Most rape offenders found in the study would qualify as anti-social predators. Unconvicted date, marital and acquaintance rape offenders would most likely qualify as mundane offenders.

7.4.3 Implications for Future Research

Future research should concentrate on the majority of sexual offenders who never appear in the criminal justice system and most likely to consist of date, marital and acquaintance rape offenders. These rape offenders will most likely require different situational crime prevention interventions. However, very little research has been undertaken with non-forensic population rape offenders and very little is know about them. Arguably, they will be mostly mundane offenders who manipulate dating situations and relationships to their advantage. Investigation should include the types of interventions most appropriate for these offenders.

The new ORNI database might be fruitfully analysed to provide a better picture of the rape offenders. The database has recently been updated and significant efforts to update information and improve its quality have been undertaken. Additional fields have been added to the questionnaire that will allow
comparisons between different types of rape offenders easier. Eventually it will allow longitudinal studies to be completed.

7.5 Conclusions

The research presented in this thesis focused on understanding the role of situational factors in rape. Until recently, situational crime prevention has not been applied to rape or sexual offending. Instead, psychopathological and sociocultural/feminist provided the main theoretical and intervention frameworks. Situational crime prevention was found to be a useful framework that can be applied to rape. Rapes were found to have significant situational aspects. The results indicate that rape can be prevented and situational crime prevention interventions will have particular utility. It could be speculated that situations may be capable of provoking rape as per Wortley’s (2002) thesis but this will require further investigations. The implications for the findings for practical application, theory and future research were discussed.
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Chapter 9: Appendices

Appendix 1: ORNI Manual

Offender Risk Need Inventory Assessment
Administrators Guide

Version 2

Written and Amended by

Lidia Pennington

August 2001
Section 6  Program Decisions

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Introduction to the Offender Risk Need Inventory Assessment

This manual is provided as an adjunct to training in the administration and scoring of the Offender Risk Need Inventory Assessment. To utilise this assessment tool appropriately, administrators will require competent interviewing skills. Importantly, administration of the Offender Risk Need Inventory Assessment is not permissible without prerequisite training.

The Offender Risk Need Inventory Assessment forms part of the Offender Management Policy and Procedures. It is intended to be used for the purposes outlined in these procedures. Administrators must familiarise themselves with these procedures.

The Offender Risk Need Inventory Assessment was originally developed as a tool to assist in the progression of offenders accommodated in secure custody moving through to open custody. The purpose of the Offender Risk Need Inventory Assessment is to assist in the comprehensive assessment of an offenders’ risk of general criminal re-offending and match these criminal needs to appropriate rehabilitation Programs.

Principles Underlying the Offender Risk Need Inventory Assessment

The design of the tool follows the approach taken by Andrews and Bonta who pioneered the Level of Service Inventory Ontario Revision for the Ontario Ministry of the Solicitor General and Correctional Services. In addition, similar research undertaken by New Zealand and England also contributed to the final product. The key principles of risk, need and responsivity formed the basis of all these approaches.

In general, the risk principle suggests that interventions are most effective with offenders who have the greatest risk of re-offending. The needs principle states that particular aspects of a persons functioning can be targeted by intervention to bring about change that would reduce re-offending. The responsivity principle indicates that interventions will be more effective when they are matched to an offender's learning style, language, culture etc. The Offender Risk Need Inventory Assessment has incorporated these principles.

The Offender Risk Need Inventory Assessment assesses re-offending associated with generic criminal behaviours. The use of this assessment for the purpose of assessing risk of re-offending in relation to specific offence types e.g. sexual and violent offences is not advised. Tools designed to assess specific offence types are available and should be used by those who are qualified to administer them.
The Offender Risk Need Inventory Assessment is divided into six sections:

1. **Community Risk Assessment** assesses criminal need. This section is the only scored component in the inventory that is utilised for determining an offender’s risk to the community. The scores from this section are defaulted to Section 3.

2. **Community Risk Considerations** identifies matters of importance for offenders being considered for leave of absence.

3. **Offender Risk Profile/Community Risk Level** determines an offender level of risk of re-offending and incorporates a discretionary function which allows administrators to override the level of risk.

4. **Needs Identification** enables the identification of responsivity factors and programming needs.

5. **Other Interventions** enables the identification of programming needs not directly related to criminal re-offending.

6. **Program Decisions** considers educational and vocational needs, develops an overall indication of an offender’s programming needs and prioritises intervention.

**Information Gathering Process**

The Offender Risk Need Inventory Assessment is an information gathering tool. Information should be obtained through an interview with the offender, a review of available file records and where possible verified by collateral sources, e.g. court and youth detention information.

The items contained in each of the sections are intended to represent areas of importance to cover during the interview process. This format has been selected in preference to the use of questions to enable the administrator to gather more information through formulating open-ended questions and the use of probing techniques.

**Discretionary Component**

Built into the Offender Risk Need Inventory Assessment in Section C is a discretionary component. This component enables trained administrators to apply professional judgement where the guidelines do not explain aspects of an offenders’ circumstances. A decision to override, increase or decrease the offender's level of risk, can be taken. If you elect to use this option, it is essential that justifications/explanations for the override are detailed in the comments section. The information required to explain the override should be factual as discussed in Section 3 Offender Risk Profile/Community Risk Level.

It is important to note that the level of risk obtained through using the Offender Risk Need Inventory Assessment is independent of the security classification level. The use of
the override function to increase or decrease the level of risk to match the security classification level is not appropriate.

Scoring

Scoring the items requires either selecting the item, endorsing, or not selecting the item. Selecting the item represents the presence of the item and not selecting the item represents the absence of the item.

When an offender self-reports additional information not contained in any official documentation then the item should be endorsed. It should be recorded in the Comments Box that this information was self-reported. However, if the offender contradicts information contained in the official documentation, then it is the official documentation that is used in the scoring, with the offender's version recorded in the Comments Box.

Recording Information

Comments Boxes have been included for all items in the Offender Risk Need Inventory Assessment. Administrators must use these boxes to explain why they selected an item and, where appropriate, why an item was not selected. Additionally, when an offender self reports information that, matches a specific item, although they have not been convicted of a relevant offence, this information should be taken into consideration when making a decision. Administrators must always note the source of the information, i.e. self report, criminal history, sentencing remarks etc.

Administrators can only work with the information that is available at the time of the assessment. Obtaining sufficient official documentation in a timely fashion will always be a problem for an administrator.

Section 1  Community Risk Assessment

This section contains 7 factors that assess criminal behaviour, each comprising of a number of items. The items are scored by selecting the ones that are present. The scored items are collated together to determine the level of risk of re-offending/community risk level in section 3. Comment boxes are provided to note additional information not covered by the items, to explain selections and provide any relevant details.

The seven factors are:

A. Criminal History (9 items)
A. Employment Potential (5 items)
B. Recreational Activities (3 items)
C. Alcohol and Drugs (5 items)
D. Relationships (5 items)
E. Violence Potential (12 items only 8 are scored)

F. Criminal Attitudes (9 items)

A. Criminal History

Where available both juvenile and adult criminal history should be considered. It is important to review the criminal history and ensure that offences are not counted when a fail to appear (FTA) is listed in the decision section. In general, give consideration as to whether offending has escalated over time and whether this would impact on the overall level of risk. This information must be included in the Comments Box along with pertinent information/details that assist in explaining item selection.

Any prior arrests:

This item should be endorsed if the offender has been arrested at any time. This item includes arrests as an adult or juvenile, regardless of whether the offender is subsequently charged, sentenced, convicted, conviction not recorded or if the charges were dropped. This item does not include fines e.g. parking, speeding, unless a warrant was subsequently issued for unpaid fines.

Any prior community orders:

This item is endorsed when an offender has been subject to a community order/s as defined by relevant legislation such as the Penalties and Sentences Act and Corrective Services Act. Administrators should familiarise themselves with this legislation. Community orders include Probation, Parole, Intensive Corrections Order, Home Detention, Prison Probation, Community Service Order and Fine Option Order. This item is endorsed when a community order/s were operative at the time of sentencing for the offence/s which resulted in the current custodial sentence.

This item is not endorsed for any community order/s, which resulted in the offender's current custodial sentence.

Any prior custodial sentences:

This item is endorsed when an offender has prior custodial sentence/s. This item refers to time served in prison as a result of being sentenced. For the purpose of this assessment a prior custodial sentence is defined as prior periods of imprisonment.

If this is the offender's first custodial sentence/period of imprisonment then this item is not endorsed even if the offender has been returned from a post prison community based order.

This item includes custodial sentences that are wholly suspended. Administrators must record the specific details in the Comments Box, i.e. On 2 July 1982, the offender received a 2 year sentence for the offence of Assault that was wholly suspended for a period of 5 years. The offender successfully completed this order. The offender received
another suspended sentence of 3 years for the offence of Receiving wholly suspended for a period of 4 years. The offender committed and was convicted of Break and Enter during this time and was sentenced to 6 months imprisonment. Therefore the offender is serving the 3 year suspended sentence and the 6 months sentence. Due to the previous suspended sentence for the offence of Assault, which was successfully completed, this item is endorsed. If there was no previous suspended sentence, except for the one that was breached, and no other custodial sentence then this item is not endorsed as the previous suspended sentence was converted to a custodial sentence for which the offender is currently incarcerated.

This item is not endorsed for previous episodes of imprisonment for remand time only.

More than 2 adult or youth violations:

This item is endorsed when an offender has 3 or more violations regardless of whether they were committed when the offender was youth or an adult. The number of violations from both current and past episodes, is the key factor to consider in this item. For the purpose of this assessment, violations are considered to be minor infringements of the law that have attracted fines such as speeding, parking, library, not voting etc. If a violation has been included in another item then it is not endorsed in this item. For example, if the offender has converted any of the violation fines into Fine Option Orders then this item is not endorsed as the violation has been included in the item "Any prior community orders". If an offender has had Fine Option Orders for offences that are not violations as well as 3 or more violations then this item is endorsed. Therefore administrators must review criminal histories and Fine Option Order details thoroughly to determine the offence type associated with each Fine Option Order.

More than 2 current offences:

This item is endorsed if an offender is currently imprisoned for 3 or more offences. For the purpose of this assessment, fines are not to be included when determining the number of offences.

Multiple charges in any one offence:

This item is endorsed if an offender incurred more than one offence for a particular incident/event of offending. For example in the execution of an Armed Robbery an offender is convicted of the offences of Unlawful Use of a Motor Vehicle, Going Armed in Public so as to Cause Fear, Unlawful Possession of a Fire Arm, Armed Robbery and Assault, then this item would be endorsed.

This item is not endorsed for circumstances where an offender has been convicted of the same offence over a number of incidents/events of offending e.g. an offender who committed Armed Robbery on 5 separate occasions. Regardless of whether the offender was convicted of the 5 offences of Armed Robbery, 1 charge from each incident/even, at the same court date they do not meet the criteria for multiple charges.
**Convicted under the age 17:**

This item is endorsed when the offender has been convicted of an offence before the age of 17 years. For the purpose of this assessment, circumstances where the offender was found guilty but a conviction was not recorded are included in this item. Information explaining the circumstances must be detailed in the Comments Box.

The item is not endorsed in circumstances where the offender was under the age of 17 at the time of offending, but was convicted and sentenced after their 17th birthday. However, relevant information must be recorded in the Comments Box.

**Any convictions while serving community orders or a custodial sentence:**

This item is endorsed when an offender is convicted of an offence whilst under community or custodial supervision, excluding remand only periods of custodial supervision. In this item conviction is the key word. Convictions as a juvenile and/or as an adult, regardless of whether the conviction is recorded, are included.

This item is not endorsed in circumstances when an offence is committed whilst the offender is under community and/or custodial supervision but the offender is not sentenced until after the supervision has concluded. However, information detailing such circumstances must be recorded in the Comments Box.

**Any community or custodial breaches:**

This item is endorsed when an offender has been the subject of a community order, which has been suspended or cancelled as defined by relevant legislation e.g. *Penalties and Sentences Act and Corrective Services Act* and/or has incurred community or custodial breaches.

It is important that an administrator reviews relevant information carefully to ensure that an offender did not appeal a guilty breach decision and was subsequently found not guilty, or an offender had a suspension lifted with a no fault finding. In either of these circumstances the item is not endorsed.

This item is not endorsed in circumstances where it has been recorded that an offender has been involved in an incident, which constitutes a breach, but one has not been recorded. However, this information is to be noted in the Comments Box.

**B. Employment Potential**

This section considers an offender’s employment and educational history in the community and in custody during previous and the current period of imprisonment. As part of the assessment the administrator should explore an offender’s interest in educational and vocational skills development. This item should be utilised to assist in determining employment whilst the offender is imprisoned. Detail in the Comments Box whether the endorsed items refer to the current or prior custodial sentences or when the offender was in the community.
Ever unemployed for 12 months or more:

This item is endorsed when an offender:
- has been on unemployment benefits; or
- is capable of working but chooses not to work; or
- would like to work but cannot obtain work.

This item is not endorsed when an offender is:
- on a pension; or
- on sickness benefit; or
- not working due to being a student; or
- retired.

Specific information is to be detailed in the Comments Box eg. the offender has been receiving sickness benefit for a period of 15 months after hurting his back during a fight.

Grade 10 education or less:

This item is endorsed when an offender has completed a grade 10 level of education or less in either the community or custody. If an offender commenced grade 11, but did not complete the year then this item is endorsed. Details of an offender's educational level and any other relevant factors are to be recorded in the Comments Box.

Ever suspended or expelled from school or terminated by employer:

This item is endorsed when an offender has been suspended or expelled from school, terminated and/or has lost employment due to their own actions, as distinct from retrenchment, at any time either in the community or custody. Details explaining why the offender was suspended or expelled from school and/or terminated from employment are to be recorded in the Comments Box. Additionally, while the item is not endorsed, details regarding an offender’s retrenchment are to be recorded in the Comments Box. If an offender has been suspended and subsequently reinitiated with a no fault finding the item is not endorsed but the information is to be detailed in the Comments Box.

Employment in this item refers to paid employment. Consequently, this item is not endorsed for any circumstances where this criteria applies to unpaid employment. However, details of these circumstances must be recorded in the Comments Box e.g. the offender was completing a Community Service Order and was terminated from work at the Salvation Army OP shop for stealing.

Unsatisfactory interaction with boss or other workers:

This item is endorsed if an offender has had unsatisfactory interaction with their boss or other workers in the community and custody. This information can be obtained through self-report and through file records, e.g. work suspensions due to altercations with other offenders or boss/supervisor. When an offender reports that this item is of relevance the administrator must seek clarification as to what happened and detail the information in the Comments Box. Administrators are not to contact employers outside of Department Corrective Services.
**Language/literacy considerations:**

This item is endorsed when language, comprehension and literacy problems may impact on an offender’s likelihood of finding and maintaining employment. Administrators should determine and detail an offender’s employment objectives and determine the impact of the above factors on their ability to obtain employment in that field, e.g. an offender may have a language problem but be able to find work as a cleaner or labourer whereas the same offender may experience difficulties in obtaining work as clerk. If the above factors do not inhibit an offender’s ability to find work but may impact on their ability to perform functions in society, the item is not endorsed, but this information is detailed in the Comments Box.

**C. Recreational Activities**

Recreational activities considers an offender’s ability to utilise their time constructively. The offender’s perception about how they use their time is important. Consideration should be given to all types of recreational activities, e.g. sporting, hobbies, clubs and interests. This does not include illegal activities for example dog fights. However, if offender reports that the illegal activities impacted on their ability to engage in recreational activities consider if this item should be endorsed. For new receptions consider activities undertaken in the community. For repeated assessments consider this factor in the context of custody. This item requires an administrator to develop a perception/analysis of offender’s perception. Any differences between the offender’s perception and the administrator’s perception must be recorded in the Comments Box.

Open ending questions and probing are particularly important in gathering information to score this series of items. Use this factor as an opportunity to discuss recreational activities that are generally available in the correctional system. This item should be utilised to assist in determining participation in activities whilst the offender is imprisoned.

**Lack of recent activities:**

This item is endorsed if the offender identifies a lack of recent activities. A list of all activities the offender has participated in are to be documented in the comment box. Additionally, if the offender discloses activities that they would like to participate in, but have been unable to, the reasons why are to be documented in the Comments Box.

**Too much free time:**

This item is endorsed if the offender considers that they have too much free time on their hands. The administrator must probe for the offender’s thoughts and perception and provide details in the Comments Box.
Could use free time better:

This item is endorsed if the offender considers that they could make better use of their free time. The administrator must probe for the offender’s thoughts and perception and provide details in the Comments Box.

D. Alcohol and Drugs

The items in this factor should assist in the Identification of patterns of use and any links between use of substances and offending behaviour. Administrators must ensure that all alcohol abuse/misuse and drug habits both past and present are listed. This information will assist in identifying programming needs.

Administrators must detail information in relation to an offender’s drug (legal and illegal) and alcohol habits, e.g.
1. the offender reports using cocaine on a daily basis in the week prior to the offence.
2. the Break and Enter offences were committed to provide money to purchase more drugs.

History of Use:

Substance/s used
Frequency of Use
Quantity at each session

This item must include information detailing when the drug habit began, the length of time the offender has been using substances and if appropriate any progression factors in their use, i.e. use has increased/decreased over time, any periods of abstinence.

Used at the time of offence:

This item is endorsed if the offender was under the influence of substances at the time of committing the offence. In the Comments Box identify factors such as if the offender commissioned the offence/s to support a drug habit or as a result of lack of inhibitions due to alcohol or drug abuse.

Drugs or alcohol caused problems at home:

This item is endorsed if the use of substances caused arguments and fights with other family members about drinking or drug use; if arguments of fights occurred whilst the offender was under the influence of a substance; if abuse of family members was linked to substance use/abuse; if the use of substances contributed to the breakdown of the family e.g. separation, divorce. For the purpose of this item family is defined by the cultural context of the offender. Specific details are to be recorded in the Comments Box, for example the offender reported that whilst drinking the children were not cared for and they were often hit or yelled at by the offender and their partner.
Drugs or alcohol caused problems at work:

This item is endorsed when the use of a substance/s lead to conflict, disagreement (including fighting), absenteeism or firing from work; if the offender attended work under the influence; if the offender incurred work related incident/s due to being under the influence; if the abuse of substances impacted on the offender's ability to obtain work.

Has been treated for drug or alcohol problems:

This item is endorsed if the offender has attempted to withdraw from, or to reduce the use of substance/s, through medical treatment/supervision e.g. outpatient treatment or rehabilitation programs such as methadone, detoxification, treatment for overdose. Details of the intervention are to be documented in the Comments Box.

This item is not endorsed if the offender has completed a program/s such as core or elective programs in the community or custody.

E. Relationships

The items in this subsection are intended to explore relationships and the extent to which crime is a part of the offender's relationship with others. More than one item may be endorsed in relation to a singular incident e.g., an offender who committed a crime with their brother would have commit crimes with others and immediate family members have committed crimes, endorsed. Administrators should utilise an offender’s definition of family and relatives for this sections. However, the specifics of the relationship must be noted in the Comments Box, e.g. the offender committed the crimes with his ex-step-brother who he identifies as being a brother.

Commit crimes with others:

This item is endorsed when the offender commits crimes with co-offenders regardless of the levels of involvement. The levels of involvement must be detailed in the Comments Box.

Friends with others who have committed crimes:

This item is endorsed when the offender has friends, excluding family members, who commit crimes regardless of whether they commit their crimes with the offender. In the Comments Box include information such as the frequency of crimes committed with friends and the details regarding the division of roles, i.e. did the offender plan the crime with friends, did the offender join friends in criminal activities after it they had been planned and/or did the offender plan the crime and invite friends to participate or was it a combination the above.
Immediate family members have committed crimes:

This item is endorsed when immediate family members of the offender have committed crimes. For the purpose of this item, immediate family members includes de-facto relations. It is important to recognise Aboriginal and Torres Strait Islander family networks and other culturally based definitions of family within the context of the immediate family.

This item is not endorsed in circumstances where the offender considered another offender to be an immediate family member at the time when they were committing offences but no longer considers them to be an immediate family member. The information must be detailed in the Comments Box.

Relatives who have committed crimes:

This item is endorsed when the offender has relatives who have committed crimes. For the purpose of this item, relatives refers to offenders who are related by blood or marriage. Those offenders who are encompassed by the offender's definition of family are not included in this item.

Non-rewarding family relationships:

This item is endorsed when the offender identifies non-rewarding family relationships. The item includes, but is not limited to, factors such as conflict, disillusionment and negative relationships. Administrators must provide specific details in the Comments Box.

This item is not endorsed in circumstances where the offender reports past non-rewarding family relationships but states that they have worked through these issues and they no longer impact upon the offender's daily functioning. However, this information is to be documented in the Comments Box.

F. Violence Potential

The items in this section explore the offender's history of violence toward others by reviewing those factors that contribute to violent behaviour. Consequently, both adult and juvenile criminal history are included. Consider these items with respect to escalation of violence over time, the recency and severity of the violence and the offender's mental health. The level of violence utilised in commissioning the offence should be recorded in the Comments Box. Consider how this information may impact on the offender's overall level of risk of re-offending.

Information in respect of the following items should be obtained from files and may not be available in many cases. If the information is not available, it is not intended that user be required to conduct tests to obtain these profiles. However, if there are concerns throughout the interview the offender can be referred to a qualified person to determine whether an additional assessment should be conducted.
The four items listed below are not scored but where available this information should be considered in respect of barriers to undertaking programs:

- Diagnosis of Psychopathy
- Diagnosis of Antisocial Personality Disorder
- Diagnosis of Conduct Disorder
- Treated for Attention Deficit or Hyperactivity

The remaining items are endorsed for any instance during the offender’s life.

Problems with previous institutional compliance:

This item is endorsed if an offender has had problems with institutional compliance in either the current or past periods of incarceration. Problems are defined as recorded negative instances and the definition of institution is not restricted to custody. It also includes other institutions such as mental health institutions. Record all relevant anecdotal details in the Comments Box as these are important details to consider when developing a management plan for an offender.

Intimidating/Controlling others:

This item is endorsed when an offender has used intimidating/controlling behaviour whilst in custody in either past or the present episode of imprisonment.

The item is not endorsed for instances where an offender uses intimidating/controlling behaviour outside of custody with family members, friends in the commission of the offence etc. However, these must be detailed and taken into account when determining an offender's overall risk. In the Comments Box administrators should provide details such as the type of victim/s, pattern of offending (e.g. started in school and has increased in frequency) and situational information (e.g. only in the context of illegal activity, stand over, solo or with others, physical or verbal violence).

Use of weapons:

This item is endorsed when the offender has been charged and sentenced for the use of weapons in the commissioning of an offence. Weapons include a variety of items such as guns, wood, syringes, motor vehicles, furniture etc.

If a co-offender used a weapon, but the offender did not, the item is not endorsed but this information is detailed in the Comments Box. The item is not endorsed for instances where an offender used weapons against others which have not resulted in a conviction and sentencing. However, these must be detailed and taken into account when determining an offender's overall risk.

Set fires:

This item is endorsed when the offender has been charged and sentenced for offences related to setting fires e.g. Arson.
The item is not endorsed for instances where an offender has set fires which have not resulted in a conviction and sentencing. However, these must be detailed and taken into account when determining an offender’s overall risk. **Escapes from custody:**

This item is endorsed when an offender has been charged and sentenced for any type of escape or attempted escape from secure, open and/or community custody. Administrators should refer to the Escape Risk Assessment and ensure their information is consistent with previously recorded information. Any differences should be identified in the Comments Box.

The item is not endorsed for instances where an offender has absconded from supervision. However, these instances must be detailed and taken into account when determining an offender’s overall risk.

**Dangerous driving:**

This item is endorsed when an offender has been charged and sentenced for any type of dangerous driving such as unlicensed driving, dangerous driving, disqualification and under the influence of a substance.

The item is not endorsed for instances where an offender reports committing dangerous driving but they have not been charged or convicted. However, these instances must be detailed and taken into account when determining an offender’s overall risk.

**Physical assault:**

This item is endorsed when an offender has been charged and sentenced for any type of offence that caused physical harm to another person. The item is not endorsed for instances where an offender reports committing harm to other people but they have not been charged or convicted.

This item is not endorsed for breaches of discipline or recorded incidents of physical assault which have not resulted in a charge and sentencing. However, all of these instances must be detailed and taken into account when determining an offender’s overall risk.

**Sexual assault:**

This item is endorsed when an offender has been charged and sentenced for any type of sexual assault/violence e.g. rape, indecent assault, incest, flashing, wilful exposure etc.

The item is not endorsed for instances where an offender reports committing sexual assault/violence but they have not been charged or convicted. This item is not endorsed for breaches of discipline or recorded incidents of sexual assault which have not resulted in a charge and sentencing. However, these instances must be detailed and taken into account when determining an offender’s overall risk. Incidents of sexual assault against the offender are not recorded in this item. These details are recorded in Section 5, under the **Sexual Assault** item.
G. Criminal Attitudes

Consider responses to these items with respect to distorted thinking about the offence, crime, law and society. It is important to use open-ended questions and probing techniques to assess this factor and to get a picture of the offender's attitude to the offence, crime, law and society. Consider also, how this will impact on the overall level of risk. This section is considering the offender’s perception not the administrator’s perception of the offender. However, when the administrator believes that the offender’s perception of these items is distorted, this information must be detailed in the Comments Box and taken into account when determining an offender’s overall risk.

-Thinks sentence is not appropriate to the offence:

This item is endorsed if the offender believes that they should have incurred a lesser sentence or no jail time for the offence/s. The item is not endorsed if the offender believes that they should have incurred a longer sentence. Details must be recorded in the Comments Box.

-Rarely takes notice of the law:

This item is endorsed if the offender believes they rarely take notice of the law and is inclusive of major and minor transgressions. Details must be recorded in the Comments Box.

-Thinks should not get jail time for this offence:

This item is endorsed if the offender believes they should not have received any jail time for the offence/s. The item thinks sentence is not appropriate to the offence should also be endorsed unless they are claiming they did not commit the offence for which they were convicted. Details must be recorded in the Comments Box.

-Thinks crime was not serious:

This item is endorsed if the offender thinks the offence/s were not serious. This item refers to the offender’s definition of the seriousness of the offence not to the offence severity scale. Details must be recorded in the Comments Box.

-Thinks crime did not hurt anyone:

This item is endorsed if the offender thinks the offence/s did not hurt anyone. For the purpose of this item hurt is defined as physical, emotional, social or emotion etc. Details must be recorded in the Comments Box.

-Thinks there were no victim/s:

This item is endorsed if the offender thinks there were no victim/s from their offence/s. For the purpose of this item victims includes victim/s of the offence, their families,
friends etc. on whom the offence impacted negatively. Details must be recorded in the Comments Box.

*Thinks society owes him/her:*

This item is endorsed if the offender thinks society owes them in general. Details must be recorded in the Comments Box.

*Someone else to blame for being here:*

This item is endorsed if the offender thinks that someone else is to blame for them being here eg co-offenders, friends, parents, the way they were raised, God etc. Details must be recorded in the Comments Box.

*Unfavourable toward supervision:*

This item is endorsed if the offender believes that they are unfavourable towards being supervised in either the community or custody. Details must be recorded in the Comments Box.

**Section 2  Community Risk Considerations**

This section is to be completed when the offender is being considered for transfer to open custody and/or participation in a leave of absence program. These factors highlight potential problems for offenders who are seeking access to the community. These factors are not scored, however, a rating is applied to provide some guidance as to potential risk. Comment boxes are provided to note additional information not covered by the items.

**Money Matters**

Rating (4-3 High, 2 Moderate, 1-0 Low)

*Reliance on government assistance:*

This item is endorsed if the source of finances will be obtained through social security benefits e.g. unemployment, sickness benefits etc. Details must be recorded in the Comments Box.

*Reliance on family assistance:*

This item is endorsed if money, food, clothes, accommodation etc. is provided by the offender’s family. Family is defined by the offender’s cultural context. Details must be recorded in the Comments Box.
Problems managing money:

This item is endorsed if the offender experiences problems in managing money. Consideration should be given to whether the offender requires budgeting skills. Details must be recorded in the Comments Box.

Worried about being able to pay bills:

This item is endorsed if the offender is worried about being able to pay rent, basic living expenses. The item is not endorsed if the offender has enough money but worries about having enough money. Details must be recorded in the Comments Box.

Housing Needs

Rating (3-2 High, 1 Moderate, 0 Low)

Accommodation arrangements unsatisfactory:

This item is endorsed for circumstances such as the offender has no fixed address, tenancy has been terminated in the past or the offender is unable to obtain any accommodation. The item is not endorsed if the tenancy has been terminated because of circumstances such as the owners sold the residence or raised the rent, or flatmate moved out. However, details must be recorded in the Comments Box.

More than 3 address changes in last year:

This item is endorsed when the offender has had more than 3 address changes in the last year. The item refers to the offender’s situation prior to their current imprisonment. The item is not endorsed for circumstances such as the offender moves for work e.g. an itinerant worker. Details must be recorded in the Comments Box.

High crime neighbourhood:

This item is endorsed when the offender, prior to their current imprisonment, resided in a high crime neighbourhood. There are some well known crime areas, however, administrators must be aware these can change. Details must be recorded in the Comments Box.

Transport

Rating (4-2 High, 1 Moderate, 0 Low)

Unlicensed:

This item is endorsed if the offender does not have a driver’s license and does not intend getting one. This item is not endorsed when an offender is unable to obtain a drivers licence for circumstances such as blindness, medical exclusions and physical disability. Details must be recorded in the Comments Box.
License suspended:
This item is endorsed when an offender’s license has been suspended. This item is not endorsed when the licence has been suspended due to medical circumstances etc. Details about date, length of and reason for suspension etc. must be recorded in the Comments Box.

Disqualified:
This item is endorsed when an offender has been disqualified from driving. This item is not endorsed when the disqualification was as a result of medical circumstances. Details about the date, length of and reasons for the disqualification must be recorded in the Comments Box.

Frequent traffic violations:
This item is endorsed when an offender reports receiving frequent traffic violations such as parking fines, speeding, no signalling. Details about the about number of and type of violations must be recorded in the Comments Box.

strengths
Items in this section are endorsed when an offender has strengths that will assist them in making life choices towards a law-abiding lifestyle. For each item, the administrator must document any positives or strengths and interests that the offender has or those that can be developed, in the Comments Box.

Employed at the time of arrest:
This item is endorsed when an offender was employed at the time of their arrest. This item is not endorsed if the only employment the offender reports was of an illegal nature. Details of the type of the work, the length of employment and if it was full or part time must be recorded in the Comments Box e.g. the offender reports that he was working part time, approximately 15 hours per week as a cleaner for his uncles company for the last five years. He also reports that he sold heroin to support his drug habit.

A technical qualification or higher:
This item is endorsed if the offender has completed any educational, tertiary or technical studies, apart from primary and high school studies. The type of study and/or qualification/s and where possible the year/s the offender completed, or attempted to complete studies, must be detailed in the comments section.
Job skill development/interest/preference:

This item is endorsed when the offender verbalises an interest in programs or activities or interests which will assist in the development of, or enhance, existing working skills. Specific details must be recorded in the Comments Box. Additionally, the administrator must record work/employment skills that the offender already possesses. The information in this item will assist in the development of the educational and work sections of the offender's sentence plan and pre-release plans.

Support from friends who have not committed crimes:

This item is endorsed when the offender reports that they receive support from friends who have not committed crimes. The relationship between the offender and their nominated support person/s must be recorded in the Comments Box. The 'type' of support must be determined and documented in the Comments Box i.e. support and/or encouragement, whilst the offender is in prison, support and/or encouragement after the offender is released from custody, willingness to provide accommodation, employment, financial support after the offender has been released from custody etc.

Other strengths:

This item is endorsed when there are any other factors that will assist an offender in adopting an offence-free lifestyle and/or progress positively through the offender environment. Details must be recorded in the Comments Box.

Section 3 Offender Risk Profile/Community Risk Level

The risk profile outlined in Table 1 forms the basis of the computerised scoring for section 1. Each time an item is selected in each of the factors in section 1, the computer summates them and assigns the overall level of risk. A comment box is provided to note additional information not covered by the guidelines.

Table 1

<table>
<thead>
<tr>
<th>Scales</th>
<th>A Crim/ history</th>
<th>B Employ/ Educ</th>
<th>C Recreation/ Activities</th>
<th>D Alcohol &amp; Drugs</th>
<th>E Relationships</th>
<th>F Violence Potential</th>
<th>G Crim/ attitudes</th>
<th>Total Score</th>
<th>Increase/ Decrease Level of Risk</th>
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<td>6-9</td>
<td>4-5</td>
<td>3</td>
<td>3-5</td>
<td>5</td>
<td>6-7</td>
<td>5-9</td>
<td>26-40</td>
<td>High</td>
</tr>
<tr>
<td>Medium</td>
<td>4-5</td>
<td>2-3</td>
<td>1-2</td>
<td>1-2</td>
<td>3-4</td>
<td>3-5</td>
<td>3-4</td>
<td>11-25</td>
<td>Medium</td>
</tr>
<tr>
<td>Low</td>
<td>0-3</td>
<td>0-1</td>
<td>0</td>
<td>0</td>
<td>0-2</td>
<td>0-2</td>
<td>0-2</td>
<td>0-10</td>
<td>Low</td>
</tr>
</tbody>
</table>

The shaded area identifies which offenders are most likely to respond to intervention. This information should be utilised when identifying the offender's programming needs and in developing the sentence plan.
Override Reason for Increase/Decrease Level of Risk:

The discretionary component enables administrators to increase or decrease the overall level of risk. When considering an offender’s overall level of risk the information documented in the Comments Boxes must be considered. This option should only be used when the level of risk does not provide for significant information documented in the Comments Boxes. When the level of risk is increased or deceased, the reasons for the change to the risk level must be documented in the Comments Box and the level of risk adjusted to reflect the new level of risk.

The discretionary option should not be used to increase or decrease the overall level of risk without justification. A transfer to open custody or an offender's security classification are not sufficient justification for adjusting the overall level of risk.

Special Note: Overall, offenders who have a long history of crimes such as break and enters should score higher than an offender who has no previous history, has no criminal associations, good family/community supports, irrespective of the type of crime, e.g. an offender convicted of Murder with no criminal history may score low.

Section 4 Needs Identifications

The items within this section are not scored. Needs identification considers responsivity factors required to match an offender to rehabilitation programs. Referrals to programs should outline special needs e.g. medical, psychiatric, length of sentence, cultural, sexual tendency, violence and substance use. Cultural factors are inclusive of all cultural, ethnic and religious groups. Comment boxes are provided to note additional information not covered by the items and to detail reasons for selection.

Responsivity Factors (as barriers to intervention)

The key word for these items is barrier. Items in the section are endorsed when they act as a barrier to an offender participating in intervention/s. Details of, and where appropriate, solutions to these barriers must be documented in the Comments Box.

Medical considerations:

This item is endorsed when medical factors will impact on the offender’s responsiveness to intervention. Details must be recorded in the Comments Box.

Motivation:

This item is endorsed when an offender's motivation level may impact on their responsiveness to intervention. Usually, it is typified by factors such as poor or a lack of motivation etc., however, over zealous motivation may also act as a barrier to intervention. Details must be recorded in the Comments Box.
**Presence of Anxiety:**

This item is endorsed when an offender's anxiety may impact on their responsiveness to intervention. Details must be recorded in the Comments Box.

**Low intelligence:**

This item is endorsed when an offender is not able to cognitively process and/or complete components of programs. Details must be recorded in the Comments Box. This item is not endorsed when an offender has a poor literacy level. Details regarding this are recorded in the *language/literacy considerations* item in this factor and where appropriate in Section 6, under the Vocational/Educational Considerations factor.

**Presence of a medicated psychiatric condition:**

This item is endorsed when an offender is currently taking medication as a result of a diagnosed psychiatric condition. Details must be recorded in the Comments Box.

The item is not endorsed if the offender has been diagnosed with a psychiatric condition but has not been prescribed medication or if the offender refuses to take medication. However, this information must be documented in the Comments Box for the item, *psychiatric diagnosis*.

**Language/literacy considerations:**

This item is endorsed when an offender has language or literacy difficulties that will impact on their ability to complete a program/s and/or intervention requirements or will require facilitators to provide additional assistance to enable to offender to complete a program and/or intervention. Details must be recorded in the Comments Box.

**Denial Levels (innocent, partial responsibility, not responsible):**

This item is endorsed when an offender’s denial levels may impact on their responsiveness to interventions. Details must be recorded in the Comments Box.

**Psychiatric diagnosis:**

This item is endorsed when an offender's psychiatric diagnosis may impact on their responsiveness to interventions. Details such as what the diagnosis is; when the diagnosis was made; has the offender received treatment; has the offender refused treatment; must be recorded in the Comments Box.

**Recommended Parole Eligibility Date:**

The computer automatically reads this data from the sentence calculation and drops it into this field.
Length of sentence remaining in custody until the recommended parole eligibility date:

2 years and over
under 2 years

If there is not sufficient time to complete identified program/s and/or intervention prior to the parole eligibility date, the offender should not be referred to that program. Program and/or intervention recommendations should be prioritised to determine most important intervention taking into account time available.

Cultural Immersion
This section must be completed for all offenders. These items refer to cultural, ethnicity and religious groupings. Consider whether the offender's socialisation is primarily culturally specific and refer to available programs. Details for each item must be recorded in the Comments Box. When recording information administrators must identify if the information is current, just prior to the offender’s imprisonment, or during their childhood or at another stage of their life.

*Practices cultural values/beliefs*

*Native language primary mode of communication*

*Living on a reservation/remote community*

*Attends culturally recognised celebrations*

*Practices native religion*

*Friends primarily from cultural group*

*Uses culturally specific services*

*School Environment - students primarily from same native cultural/religious group*

*Reads and writes primarily in native language*

*Sense of pride in native culture*

Cultural Assimilation

These items must be completed for all offenders. These items relate to whether an offender has adopted modern mainstream Australian culture. Consideration should be given to whether the offender has sufficient skills to participate in activities, programs etc without cultural and/or language barriers. Additionally, determine whether the offender wishes to participate in available culturally specific programs and/or general offender programs. Details must be documented in the Comments Box.
Adopted modern culture and language

Adopted modern culture to the exclusion of native culture

Confident and prefers interacting in modern culture

**Sexual Tendency**

Consider the nature of the current offence/s with respect to the degree of physical, psychological and emotional harm inflicted upon the victim. The administrator should use open ended questions to ascertain whether the crime was situational, opportunistic or planned. Details such as the nature of the offence, the number of victims, the time frame over which the offences occurred, the time frame from offending to conviction, duel offences and presence of a co-offender or compliance from another adult must be recorded in the Comments Box.

Interfamilial refers to within families including defacto and step family relationships. Extra familial refers to outside the immediate family including close family friends. Paraphiliac relate to objects and/or animals (non human) that arouses an offender sexually. Additionally, consideration should be given to the offender's cultural definitions of family.

An item is endorsed only when the offender has been charged and sentenced for a offence, which relates to that item.

The items are not endorsed when the offender discloses information, which indicates that they have participated in offending which relates to an item/s but the offender was not convicted. However, this information should be recorded in the Comments Box. Circumstances where an offender has been the victim of sexual offences are not recorded in this factor. They are recorded in Section 5.

*Is this offender a sexual offender yes/no*  
*Sexual Assault intrafamilial child/boy*  
*Sexual Assault intrafamilial child/girl*

*Sexual Assault extrafamilial child/boy*  
*Sexual Assault extrafamilial child/girl*

*Incest boy child*  
*Incest girl child*  
*Indecent dealings*  
*Exposure*  
*Rape*  
*Presence of Paraphilias*  
*Other*

**Violence Intervention (Refer Risk Factor F)**

**Alcohol and Drug Use (Refer Risk Factor D)**
The information in the two items listed above should be used to determine the intervention needs for the offender. Consideration should be given as to whether the offender should undertake intensive intervention or a less intensive program in suite of offender programs offered by the department. The information gathered in this assessment should assist in the identification of the most appropriate program/s. Intensive interventions address ingrained behaviours. Less intensive programs address less serious behaviours. Barriers to intervention should be considered when recommending programs.

Section 5 Other Interventions Requiring Follow-up

Section 5 takes into consideration behaviours and issues that may have predisposed and/or precipitated the criminal behaviour. These issues should be highlighted for follow-up upon return to the community or if the relevant specialist programs are made available in custody. Comment boxes are provided to note additional information not covered by the items.

Other Related Issues

These items should be endorsed if the offender has been the victim or perpetrator. If these issues have been covered in a previous section the administrator should refer to the appropriate section and item. Where appropriate referrals should be made prior to release or if a specialist program becomes available whilst the offender is in custody. Specific details are to be recorded in the Comments Box.

Victim Issues
Family/Domestic violence
Religious Issues
Physical Assault
Sexual Assault
Emotional Abuse
Childhood Neglect
Social and Financial Deprivation

Gambling Problems

These items should be endorsed if the offender has ever had gambling problems regardless of their current status. Specific details are to be recorded in the Comments Box.

Gambling problems ever
Offence is gambling related

Section 6 Program Decision

Referrals for programs should consider employment, identified intervention needs, length of sentence, vocational training courses and educational requirements. Comments Boxes have been provided to note additional information not covered by the items. If no factors are relevant, detail why.
Work Experience/Preference/Interests

*Hard Industries (e.g. wood shop, metal shop, paint shop etc)*
*Soft Industries (e.g. laundry, bakery etc)*
*Library*
*Cook*
*Kitchen Hand*
*Cleaning*

These items are not exhaustive. Adapt this factor to employment and industries offered at individual centres and select preferred option.

Offender Behaviour Programs
(List in order of most essential)

Prior to making a decision give consideration to the period of time that the offender has remaining in custody.

* e.g.
  1. Cognitive Skills
  2. SOIP
  3. Etc

Vocational/Educational Considerations

*Grade 12 or less education studies*
  *Literacy*
  *Numeracy*  

A referral must be made to an education officer if there is a concern about an offender's literacy/language skills.

*Vocational courses/interests/availability/enrolment*
*Tertiary Courses/Interests/availability/enrolment*

Recommendations from Educational Needs Assessment

Record all relevant educational factors, both program goals and the offender’s level of literacy, comprehension etc.

Primary Intervention as per Table 2 (custody) or Table 3 (community)

Priority Scale (Not applicable, 1, 2, 3, etc)

Prioritise the focus of intervention for the offender using the categories below.

  *Work*
  *Vocational/Educational*
  *Offender Behaviour programs*
  *Personal development programs*
Appendix 2:  
Letter of application to use DPP data  
Ms L J Clare  
Director  
Office of the Director of Public Prosecutions  
GPO Box 2403  
Brisbane Q 4001  

20 September, 2007  

Dear Ms Clare  

Re: Access to prosecution files for doctoral research  

I am writing seeking access to Office of the Director of Public Prosecution (DPP) files on stranger rape cases for my doctoral research. The aim of my study is to evaluate the contribution of situational factors in stranger rape by archival research of DPP files of convicted rape offenders. The focus is on the situational correlates of the offence and some demographic and criminal history details of the offender.  

Specifically, the research intends focusing on the situational, physical, environmental, geographic and opportunistic characteristics of the rape. This relates to rape site details and initial contact locality, distances from potential crime generators - pubs, main roads, entertainment sites and shops, the rape offender’s methods of transport to sites, the rape offender’s modus operandi, if drugs or alcohol were used and apprehension avoidance methods.  

The study has potential to make a significant contribution to rape research, prevention at individual and community levels, investigation and the treatment of offenders. While the current rape literature accurately describes the socio-cultural and psychological causes of rape, this knowledge has not translated into a decrease in offence prevalence. In addition, the fear of rape imposes restrictions over most women’s enjoyment of, and participation in society. Women take precautions and frequently live their lives with the fear of rape constantly in the back of their minds.  

Research Plan of the Study  

This research plan involves content analysis of 25 DPP archival files relating to rape cases finalised in 1998. This ensures the appeal period has expired. All 1998 finalised rape case files (approximately 130) will be examined to ascertain if they meet the selection criteria – stranger rape. Files will be examined at the DPP offices. If more than 25 cases meet the selection criteria, the 25 required cases would be randomly chosen. The content analysis of the cases will involve a careful reading and recording of the information contained therein. Relevant information from the 25 sample will be recorded on a data collection sheet for later analysis. No identifying information relating to the victim, offender or any other person will be recorded. A copy of the draft instrument for recording the information in the files to address the research questions is attached.  

No person involved in the case will be approached or interviewed under any circumstances. The data required is all in the file. If the data is not available for a particular item, it will be recorded as such – clarifying information will not be sought from any member of your staff or any other person involved in the case.
Ethical Considerations

A formal application for ethical approval has been submitted to the Ethics Approval Committee of Griffith University. My methodology, ethical and confidentiality considerations have been vetted and approved by my thesis supervisor, Dr Anna Stewart and the Head of the Department of Criminology and Criminal Justice at Griffith University.

When ethical approval has been granted from Griffith University a copy will be sent to you.

Confidentiality of Data

The data will be treated with the strictest of confidence and in accordance with the ethical and confidentiality protocols of Griffith University and of the Australian Psychological Society (I am a State Registered Psychologist, Member of the Australian Psychological Society, Member of the APS College of Forensic Psychologists and National Professional Development Officer for the Forensic College).

The data will be recorded on data recording sheets in a format to facilitate statistical analysis. The writer and his thesis supervisors will only be the only people to access this sensitive data.

No names will be recorded on the data collection sheets. Information identifying any individual involved in the case will not be published. The data collection forms and the computer files containing the data files will be securely stored by the writer.

Analysis of the data

The data will be recorded on specially designed data recording sheets and later statistically analysed.

Resources sought from DPP

The actual requirements from the Office of the DPP have been kept to a minimum to cause the least amount of disruption. Specifically:

- Access to the files;
- A desk or read the files at a time and place convenient to your office.

I would be happy to discuss any additional requirements your Office may require.
Personal Information of Researcher

I am employed as a Senior Area Manager in the Queensland Department of Corrective Services and am currently seconded as Senior Programs Officer (Psychological Services) in the Policy and Programs Branch. I was responsible for the community based Sex Offender Treatment Program and have acted Senior Psychologist at Moreton Correctional Centre’s Sex Offender Treatment Program. I am a state registered Psychologist, a member of the Australian Psychological Society and a member of the APS College of Forensic Psychologists. I am also the National Professional Development Officer for the Forensic College.

I have facilitated numerous sexual offender treatment programs both in custodial and community settings. I have also written court reports for parole boards and courts on sexual offenders. This background has provided me with a thorough understanding of the ethical and confidentiality requirements of research in this area and an understanding of the legal and administrative process involved in the research.

My thesis supervisors are Dr Richard Wortley and Dr Anna Stewart both of Griffith University and both experienced researchers.

Your assistance in this matter would be very much appreciated. If you require additional information please feel free to contact me. My contact details are:

Telephone:   Xxxxxxxxxx (business)
             Xxxxxxxxxx (home)
Mail:        PO Box

Your assistance in accessing this information would be greatly appreciated.

Yours sincerely

John Murray
## Appendix 3: Data Coding Sheet

### Data Coding Sheet

**DPP Offender Variables appendix**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Codes</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trial outcome</strong> (the verdict)</td>
<td>Not guilty</td>
<td>Categorised from DPP trial outcomes</td>
</tr>
<tr>
<td></td>
<td>Guilty of rape</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Guilty of other sexual offence (plea bargain)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Guilty of other non-sexual offences</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nolle</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hung jury</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No evidence to offer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discontinued</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other (details)</td>
<td></td>
</tr>
<tr>
<td><strong>Sentence imposed (jail sentence – a custodial sentence was imposed in every case)</strong></td>
<td><strong>Enter length in months</strong></td>
<td>Sentence length for all offences entered if multiple convictions</td>
</tr>
<tr>
<td></td>
<td><strong>Unknown/ Missing data</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Type of rape (refers to victim type)</strong></td>
<td><strong>Stranger</strong></td>
<td>Coded stranger if the victim knew the perpetrator for under 24 hours</td>
</tr>
<tr>
<td></td>
<td><strong>Prior relationship</strong></td>
<td>Coded Prior relationship if victim and perpetrator had know each other more that 24 hours, included date, acquaintance, relative and marital</td>
</tr>
<tr>
<td></td>
<td><strong>Missing data</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Date of verdict</strong></td>
<td><strong>Ddmmyy</strong></td>
<td>Date the matter was finalised in court</td>
</tr>
<tr>
<td></td>
<td><strong>Missing data</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Offender’s age at time of offence</strong></td>
<td><strong>Ddmmyy</strong></td>
<td>Entered for each offence</td>
</tr>
<tr>
<td></td>
<td><strong>Missing data</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Date of offence</strong></td>
<td><strong>_dddmmyy</strong></td>
<td>Date(s) rape(s) occurred – multiple dates if necessary</td>
</tr>
<tr>
<td></td>
<td><strong>Missing data</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Perpetrator’s age at time of offence</strong></td>
<td><strong>_dddmmyy</strong></td>
<td>Age(s) at time of offence – multiple dates if necessary</td>
</tr>
<tr>
<td></td>
<td><strong>Missing data</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Convictions for previous violent offences</strong></td>
<td><strong>Yes</strong></td>
<td>Information obtained from criminal history (on every file). Any offence of violence according to standard categories – murder, manslaughter,</td>
</tr>
<tr>
<td></td>
<td><strong>No</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Unknown</strong></td>
<td></td>
</tr>
<tr>
<td>Variable</td>
<td>Codes</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Convictions for any previous sex offences</td>
<td>Yes</td>
<td>Information obtained from criminal history (on every file). Any offence of sexual violence classified according to Australian Standard Offence Classification (ASOC) (Australian Bureau of Statistics, 1997).</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unknown/ Missing data</td>
<td></td>
</tr>
<tr>
<td>Convictions for any criminal offence</td>
<td>Yes</td>
<td>Information obtained from criminal history (on every file). Any conviction for any criminal offence. as per (ASOC). Traffic and other non-criminal offences excluded</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unknown/ Missing data</td>
<td></td>
</tr>
<tr>
<td>Offender’s ethnic group</td>
<td>White Australian</td>
<td>Information obtained from file or could be reasonably inferred for example legal representation by Aboriginal and Torres Strait Islander Legal Office.</td>
</tr>
<tr>
<td></td>
<td>Aboriginal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unknown/ Missing data</td>
<td></td>
</tr>
<tr>
<td>Offender’s job description at time of offence</td>
<td>As stated</td>
<td>Information obtained from file</td>
</tr>
<tr>
<td>Offender’s relationship status at time of offence(s)</td>
<td>Married/de facto</td>
<td>Information obtained from file</td>
</tr>
<tr>
<td></td>
<td>Divorced/separated</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Missing data/unknown</td>
<td></td>
</tr>
<tr>
<td>Offender’s living arrangement at time of offence</td>
<td>Living alone</td>
<td>Information obtained from file</td>
</tr>
<tr>
<td></td>
<td>Married or de facto couple only</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Married or de facto couple living with dependant children</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All other households</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Missing data/unknown</td>
<td></td>
</tr>
<tr>
<td>Offender’s highest education at time of offence</td>
<td>Some secondary school (grades 8-10)</td>
<td>Information obtained from file</td>
</tr>
<tr>
<td></td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Secondary school (grades 11-12)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Primary school (grades 1-7)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Some university</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Technical/apprenticeship</td>
<td></td>
</tr>
<tr>
<td>Offender’s employment status at time of offence</td>
<td>Employed full-time</td>
<td>Information obtained from file</td>
</tr>
<tr>
<td></td>
<td>Employed part-time</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unemployed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Government benefit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Student</td>
<td></td>
</tr>
<tr>
<td>Variable</td>
<td>Codes</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Victim age                       | Ddmmyy                    | Missing data/unknown
| Victim’s occupation at time of offence | As stated  | Missing data/unknown
| Reason for being at initial contact site |  | Information was recorded from file information or could reasonably be inferred. The victim statement usually provided this data as it reported the victim’s movements immediately prior to the offence for example walking to railway stations on the way home from work at 11 pm.  
The information was categorised into sub-groupings
| Initial contact site descriptor/location |  | Information obtained from body of file. Refers to location of the initial contact site, for example pub, or where the victim/offender first interacted immediately before rape.  
The ICS and RS were often the same.
| Reason for being at rape site     |  | Information obtained from body of file. Refers to location of the initial contact site, for example pub, or where the victim/offender first interacted immediately before rape.  
The ICS and RS were often the same.
| How the victim was subdued       | Mere presence             | Derived from Hazelwood and Burgess (1989)
|                                  | Weapons of opportunity    |                                                                                                                                       |
|                                  | Battery/beatting          |                                                                                                                                       |
|                                  | Psychological coercion     |                                                                                                                                       |
|                                  | Weapons bought to site    |                                                                                                                                       |
|                                  | Other                     |                                                                                                                                       |
| Previous psychiatric treatment   | Yes                       | Scored positively if there were creditable indications of any previous/current psychiatric treatment. Included treatment for alcoholism, in-patient treatment, psychiatric medication.
<p>|                                  | No                        |                                                                                                                                       |
|                                  | Unknown/ Missing data     |                                                                                                                                       |</p>
<table>
<thead>
<tr>
<th>Variable</th>
<th>Codes</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under the influence of substance at time of</td>
<td>Yes</td>
<td>Scored positively if creditable indications the offender was intoxicated or drugged at time of offence, for example admissions by the perpetrator, indications that perpetrator had drunk more than three standard drinks in the hour prior to the offence, or reasonably expected to be intoxicated such as consuming alcohol all afternoon.</td>
</tr>
<tr>
<td>offence</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unknown/ Missing data</td>
<td></td>
</tr>
<tr>
<td>Why the victim was selected</td>
<td></td>
<td>Categorised on why this victim was selected. More comment after it has been categorised.</td>
</tr>
<tr>
<td>Perpetrator’s behaviour immediate prior to the</td>
<td></td>
<td>Relates to what the perpetrator was doing three-hours before the offence. Purpose was to capture the most important and relevant factors contributing to the offence.</td>
</tr>
<tr>
<td>offence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description of initial contact site (ICS)</td>
<td></td>
<td>Exact description from file.</td>
</tr>
<tr>
<td>What victim was doing at ICS</td>
<td></td>
<td>Her reason for being at the site.</td>
</tr>
<tr>
<td>Was the ICS on the rape offender’s pathway</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Was the rape offender familiar with the ICS</td>
<td>Any familiarity with ICS</td>
<td>Refers to familiarity the rape offender had with the general area of the ICS, not the actual site of the rape, for example bedroom.</td>
</tr>
<tr>
<td></td>
<td>No familiarity with ICS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td>Description of rape site (RS)</td>
<td></td>
<td>Refers to exact description of the rape site, for example victim’s bedroom.</td>
</tr>
<tr>
<td>What victim was doing at RS</td>
<td></td>
<td>The reasons from the file what the victim was doing at the rape site.</td>
</tr>
<tr>
<td>Was the RS on the rape offender’s pathway</td>
<td></td>
<td>Indications that the rape site was on the rape offender’s usual pathway to work or leisure activities.</td>
</tr>
<tr>
<td>Was the rape offenders familiar with the RS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How was the victim transported to RS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variable</td>
<td>Codes</td>
<td>Comment</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Was the rape planned</td>
<td>Any indication that rape was planned such as bringing a rape kit to the site (knife, tape, disguises), statements by perpetrator that it had been planned, indications that could reasonably be construed as indicating planning, such as threats to “get” the victim.</td>
<td>The purpose of this variable was to find indications of malice aforethought. It excluded actions that facilitated the rape and seemed to be spontaneous rather than planned.</td>
</tr>
<tr>
<td>How did the rape offender decamp</td>
<td></td>
<td>The manner in which the rape offender left the crime scene.</td>
</tr>
<tr>
<td>Sex offence</td>
<td>Endorsed if the offender has been charged and sentenced for any type of sexual assault/violence</td>
<td></td>
</tr>
<tr>
<td>Time to reporting rape to police</td>
<td></td>
<td>The duration it took a complaint to be made to the police.</td>
</tr>
</tbody>
</table>
Appendix 4: Consent Form

Consent Form

Situational Factors in Rape

You are being asked to take part in a semi-structured interview regarding the situational, environmental, physical and opportunity structures of the offence. We hope to use the information to reduce the incidence of sexual offending and to aid in the treatment of offenders, in particular the identification of high-risk situations for both potential victims and offenders. We are grateful for your time and effort in agreeing to participate in this interview.

The data is confidential and will not be put on your prison file or given to anyone else in the criminal justice system. We will not put your name on the record forms. The information you provide will be joined with other data and the information will not be analysed individually. Some of the information deals with sensitive topics. You may discontinue the interview at any time.

The data will be recorded on an audiotape. As soon as possible the data will be transcribed and the tape will be erased. Any information on the tape capable of identifying you will be removed when the data is transcribed, i.e. no names, dates that could identify you or similar material will be recorded. Neither the tape nor the transcribed material will be made available to centre staff, police or anyone else in authority.

Your participation in the interview is entirely voluntary. Refusal to participate will not involve any penalty or loss of benefit. You can also discontinue your participation at any time without any prejudice to yourself. Participation (or non-participation) will have no effect on your parole or community release, prisoner classification status or entitle you to any privileges in the centre.

If you like, we can provide you with a summary of the findings. As we will not be keeping a record of your name or address you will need to phone John Murray on 3239 3832 for a summary of the findings.

I have read the information sheet and the consent form. I agree to participate in the Situational Factors in Rape project and give my consent freely. I understand that the interviews will be carried out as described in the information statement, a copy of which I have retained. I realise that whether or not I decide to participate is my decision and will not affect on my parole, community release, classification status or privileges. I also realise that I can withdraw from the interview at any time and that I do not have to give any reasons for withdrawing. I have had all questions answered to my satisfaction.
Witnesses to signatures are not required unless the participant is unable to take personal responsibility for their actions. If the participant is in this category it is likely that the consent of their carer should be sought (parent, relative, guardian etc).
Appendix 5: Structured Data Collection Instrument

Structured Data Collection Instrument

1) Demographics (Offender)
   a) Age DD/mm/yyyy
   b) Ethnic group identified with
   c) Postcode of home address
   d) Highest level of education
   e) Relationship status
   f) Relationship history
   g) Living arrangements at time of offence
   h) Housing arrangements at time of offence
   i) Job description
   j) Employment status at time of offence
   k) Postcode of employment address
   l) Employment status 12 months before offence
   m) General comments on rape offenders social history, e.g. expulsion from school,

2) Offence history
   a) Previous convictions details (type, number, date, sentence
   b) No. of court appearances
   c) Treatment ordered/received
   d) Date of first imprisonment
   e) Total time in jail
   f) No. of convictions
   g) Probation and parole supervision
   h) General comments on criminal history (versatility, most serious offence, longest sentence served)
   i) Age of first offence
   j) Traffic history
   k) Specialist for generalist offenders

3) Pre offence behaviour
   a) What was rape offender doing immediately prior to the offence, why in the area of initial contact, drinking, with friends, at party etc
   b) How did he travel to initial contact and rape site

4) Situational/physical/geographic characteristics of sites
   a) Location of initial contact, include Postcode – initial contact and rape sites in relation to home and work locations or similar
   b) Description of initial contact neighbourhood, SES, nearness to shops, other habitations etc
   c) Postcode of rape location
   d) Guardians on site
      i) Was victim by herself at initial contact site or rape site
   e) Description of initial contact site
   f) Was initial contact site or rape site on offender’s “pathways”
   g) Did offender have high familiarity with initial contact site or rape site
   h) Description of rape site in general terms, e.g. in country, SES, industrial, commercial
   i) Detailed description of rape site, e.g. 3rd floor of house, bedroom
j) Detail crime generators, e.g. closeness to pubs, entertainment sites
k) Anyone else at initial contact and rape sites e.g. children, husband, friends
l) Weather at time of rape
m) Any natural surveillance at initial contact site or rape site
n) How did rape offender travel to initial contact site and rape site
o) Ease of accessing initial contact site and rape site, e.g. deep in suburbs
p) Distance from main roads, public transport
q) Brothels in area
r) Public events in the area e.g. street parties, football games
s) Familiarity of rape offender with initial contact site and rape site
t) Any CCTV in the area of rape or initial contact site
u) Indications why he decided to rape on this occasion
v) Was rape committed on offender’s work or leisure time (if working)
w) SES difference between victim and rape offender

5) Describe current offence
   a) Brief description of rape, date, time, location, mainly drawn from QP9)
   b) List all offences this episode
   c) Description of rape type (con, blitz etc)
   d) Was rape offender under influence of substances at time of offence
   e) Indications of rape as part of other offence, e.g. burglary
   f) How rape offender accessed victim, e.g. B&E
   g) Time span of offence(s) (for multiple offences different victims)
   h) Duration of index offence (details for each offence this episode)
   i) Indications that rape was planned e.g. rape kit
   j) How was initial contact effected, included details of circumstances of contact
   k) How victim transported from initial to rape site
   l) How victim was subdued
   m) Details of evidence destruction e.g. making victim have shower
   n) Comments on why victim was selected

6) Post Rape behaviour
   a) Activities to reduce arrest
   b) How decamped from the rape site
   c) What rape offender did after the offence
   d) How did victim notify police/authorities
   e) Would DNA have identified rape offender
   f) Reason(s) given by offender for rape

7) Victim characteristics
   a) Description of victim characteristics, e.g. age, occupation
   b) What was victim doing at initial contact site
   c) What was victim doing at rape site