

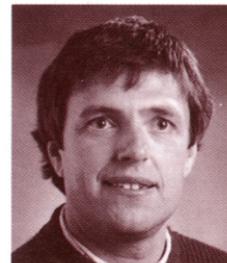
Reviewing the pantheon of sexual offending

by Keith Soothill and Brian Francis



Keith Soothill

In the light of the current focus on monitoring sex offenders in the community, the authors discuss their research into developing criminal profiles of such offenders and consider to what extent there are links between sexual and other types of offending.



Brian Francis

Sexual offending has been on the political agenda in the Western world since the Second World War. In Britain each decade seems to highlight a particular issue relating to sex offending – concern about the visibility of prostitution in the 1950s, the move towards partial decriminalisation of homosexuality in the 1960s, the growing awareness of the horrors of rape in the 1970s, an awakening of the dangers of child sexual abuse in the 1980s, a rising fear of serial sex killings in the early 1990s and now a considerable focus on paedophilia.

However, these 'single issue' concerns tend to mask a broader understanding of sexual offending. In brief, what are the links, if any, between sexual offending and other types of offending? So, for example, it is argued by some that rape should be regarded as a violence offence – representing power or domination over the victim – rather than a sexual offence. But what are the links between violence and other types of sexual offences – are rapists more likely to be convicted for violence offences than other sexual offenders? In terms of offence specialisation, are there types of sexual offenders whose illicit behaviour is much less likely to spill over into other spheres of criminal activity? Are candidates for the mantle of being a 'pure' sexual offender more likely to come from those committing buggery or those indecently assaulting females? The possibilities are legion and the evidence seems slender. Previous work on offence specialisation seems to provide few clues and perhaps we need to think afresh.

The issue is becoming important as the current focus moves increasingly towards monitoring sexual offenders in the community. The question of the possible dangers in the community from previously convicted sexual offenders has had a spectacular rise in the market of public concerns and a remarkably quick response in the UK in terms of legislation coming onto the statute book. The *Sex Offenders Act 1997*, which enables the development of sex offender registers in England and Wales and requires certain ex-offenders to notify the police

of their names and addresses and any subsequent changes, is one clear embodiment of this recent focus on sex offending.

CRIMINAL APARTHEID

Generally, sexual offending has tended to be set apart from other types of offending, with the implication that such offenders are somehow distinct from the general run. However, to talk of 'sexual offenders' in isolation rather suggests that they are a homogeneous and coherent group. There are dangers in both theoretical and policy terms in believing that they are when the evidence may indicate otherwise.

CRIMINAL HISTORIES OF SEX OFFENDERS

We have recently completed a major criminological follow-up of all those offenders convicted of an indictable sex offence in England and Wales in 1973. For each of these offenders we have their criminal history for the previous ten years and for the subsequent twenty-one years. This data was obtained from the Offenders Index at the Home Office, which started in 1963 and collects details of all standard-list offences. The series consists of 7401 males and 41 females who were convicted of 49,264 offences over the 32-year period from 1963 to 1994 inclusive.

CONSTRUCTING CRIMINAL PROFILES

Table 1 (on p. 5) lists all the thirteen categories of sex offences included in our 1973 series and shows the number of persons for whom the particular offence was identified as their *principal* offence in 1973.

The columns show the ten broad groups of offences which cover the standard-list offences identified in the Offenders Index. The percentages in the table refer to the proportion of a particular sex offence group convicted of an offence within a general offence category *on any occasion over the 32-year criminal history*. The exception is the column for sexual offences, where the percentages relate to sexual convictions *on any occasion apart*

Table 1: Convictions of 1973 sexual offenders in England and Wales for other criminal offences (1963–1994 inclusive)

% with conviction for:

1973 Sample Offence	N	Violence against the person	Sexual offences*	Burglary	Robbery	Theft and handling stolen goods	Fraud and forgery	Criminal damage	Drugs offences	Other	Motoring (indictable)
BUG	207	16.4	44.0	19.8	2.4	48.8	16.4	<u>4.8</u>	3.9	13.5	1.4
IAM	763	<u>13.9</u>	41.4	<u>15.2</u>	1.8	<u>37.7</u>	14.8	9.2	<u>0.9</u>	10.0	<u>1.2</u>
IBM	1529	<u>5.0</u>	<u>22.3</u>	<u>5.2</u>	<u>0.7</u>	<u>17.5</u>	<u>5.8</u>	<u>2.7</u>	<u>1.0</u>	<u>3.9</u>	<u>0.7</u>
RAP	346	46.8	23.1	42.2	11.3	65.3	19.41	17.9	9.2	22.0	6.6
IAF	3070	24.0	<u>24.5</u>	24.2	3.1	45.4	14.6	14.1	3.1	11.7	3.3
U13	108	23.1	22.2	21.3	3.7	48.1	14.8	12.0	3.7	11.1	2.8
U16	735	30.5	<u>18.9</u>	43.7	4.5	63.6	23.2	20.8	6.4	19.3	5.8
INC	129	17.8	<u>16.3</u>	<u>12.4</u>	1.2	35.7	8.5	<u>3.1</u>	0.8	11.6	1.6
PRO	126	37.3	29.4	22.2	8.7	48.4	17.5	11.9	25.4	19.8	7.1
ABD	25	56.0	24.0	44.0	16.0	64.0	36.0	44.0	4.0	32.0	20.0
BIG	39	12.8	<u>5.1</u>	15.4	2.6	51.3	43.6	5.1	0.0	28.2	5.1
SOL	46	<u>2.2</u>	23.9	<u>2.2</u>	4.3	<u>15.2</u>	<u>0.0</u>	4.3	2.2	4.3	0.0
GIC	278	<u>8.6</u>	30.9	17.6	1.4	38.1	11.9	<u>6.1</u>	<u>0.7</u>	12.6	2.2

* The category of 'sexual offences' excludes all sexual convictions occurring at the same date as the 1973 'sample offence'; the remaining categories include all offences occurring at any time in the 32-year period.

Statistically significant differences ($p < 0.05$) in proportions with a conviction for the relevant offence of each group compared to the remaining offenders in the 1973 series are in **bold** where the proportion in the group is significantly higher, and underlined where significantly lower.

Abbreviations used in this table: BUG *Buggery and attempted buggery* IAM *Indecent assault on a male* IBM *Indecency between males* RAP *Rape* IAF *Indecent assault on a female* U13 *Unlawful sexual intercourse with a girl under 13* U16 *Unlawful sexual intercourse with a girl under 16* INC *Incest* PRO *Procuration* ABD *Abduction* BIG *Bigamy* SOL *Soliciting by a male* GIC *Gross indecency with children*

from the 1973 conviction. Hence, one can identify that nearly half (46.8%) of the 346 men convicted of rape in 1973 had a conviction for a standard-list violence offence. In contrast, of the 1529 men convicted of indecency between males in 1973 only one in twenty (or 5.0%) had a conviction for violence. In fact, both these categories of offenders had a statistically significant difference compared with the remainder - the rapists had a much *higher* proportion of violence offences than expected (shown in bold type in Table 1) while those committing indecency between males had a much *lower* proportion of violence offences than expected (shown underlined in Table 1). Interestingly, those convicted of rape, for instance, are consistently different in terms of the proportion of persons who were convicted of other types of offences compared with all the remaining persons committing sexual offences in 1973 – thus shown in bold type in Table 1. The exception is the proportion of these persons convicted of rape in 1973 being convicted of any type of sexual offence on another occasion and on this category alone, those convicted of rape in 1973 are not significantly different from the rest. In brief, this means that those convicted of rape in 1973 have a much higher *criminal* profile on other kinds of offences than the rest of the cohort. Certainly, for instance, they are twice as likely to be convicted of a violence offence (46.8%) over the 32-year period compared to a second sexual conviction (23.1%). This ratio is high compared to other sexual offenders (for example, for indecent assault on a female, the equivalent figures are 24.0% and 24.5% and are

roughly similar) and thus endorses the view that those convicted of rape may be much more prone to violence in general than sexual offending *per se*.

In contrast to those convicted of rape, those convicted of indecency between males in 1973 are the mirror image and are convicted of a much *lower than expected* proportion of all other kinds of offences than the remainder - hence the set of italic figures across the row. Again, however, like those convicted of rape, these offenders are not convicted of a significantly high (or low) proportion of sex offences on other occasions. Nevertheless, overall such offenders have a very different criminal profile than those convicted of rape, for only a few of these offenders are convicted of offences other than sexual ones. As for the other persons committing sexual offences in 1973, if one compares the rows for indecent assault on a female ($n = 3070$), for example, with those for unlawful sexual intercourse with a girl under 13 ($n = 108$), the proportions look remarkably similar – although the former group had *five* statistically significant differences while the latter had none.

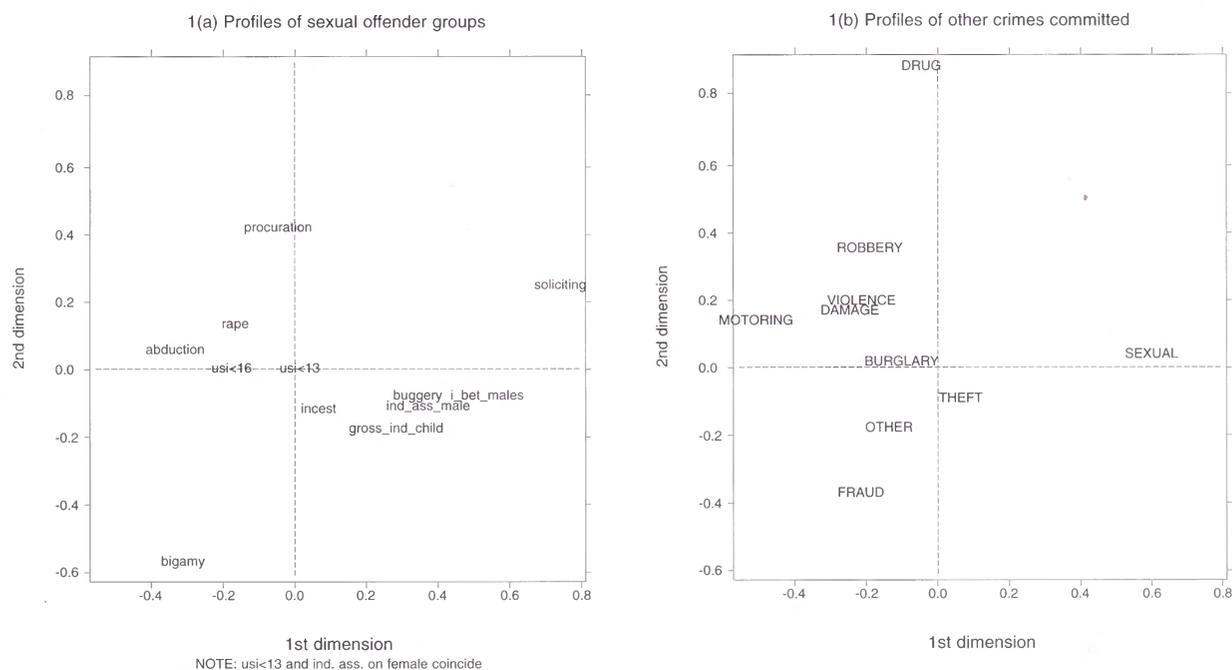
There are two major problems with this conventional type of approach. Firstly, interpretation rests heavily on statistically significant differences (which, in turn, are heavily influenced by the size of the sample) but, secondly and more importantly, it is very difficult to summarise what is actually happening. In brief, Table 1 has much information but is difficult both to follow and interpret. We believe that visual representation is more helpful.

CORRESPONDENCE ANALYSIS

Correspondence analysis is essentially a technique that analyses tables of counts or percentages, and identifies differences in column profiles between rows and row profiles between columns. The results of a correspondence analysis are often visualised as two maps, one for row profiles and one for the column profiles; these maps are usually superimposed to form a 'biplot'. While the maps may be multi-dimensional, the displays are usually limited to two dimensions to simplify interpretation.

We wish to consider two maps: one focusing on the criminal profiles of the thirteen sex offender groups (the rows) and the other focusing on the profiles of the ten general offence categories (the columns) which are used in the *Criminal Statistics: England and Wales*. These maps are shown as Figure 1(a) and Figure 1(b) below.

Figure 1. Correspondence Analysis of 32-year general crime profiles on 1973 sex offenders in England and Wales



There are two ways of interpreting the plots on the maps. First, the closer any two points are to each other on the map, the more similar they are to each other in terms of their profiles. Secondly, the relationships can also be viewed in a general sense of direction. Thus, two points in a similar orientation to the origin (that is, the intersection of the axes) are more closely related to each other than two points in different orientations to the origin.

Figure 1(a) shows how closely buggery, indecent assault on a male, gross indecency with children and indecency between males are located on the diagram. These are the offences which largely involve males as both perpetrators and victims. In contrast, rape, abduction and unlawful sexual intercourse with a girl under 16 are fairly closely located in the diagonal quadrant. These are the offences which involve a male perpetrator and a female victim. Procuration, soliciting by a man and bigamy are outliers, although procuration is in the same quadrant as rape and soliciting by a male is closer to indecency between males than any other offence. Bigamy – perhaps not unexpectedly – seems far

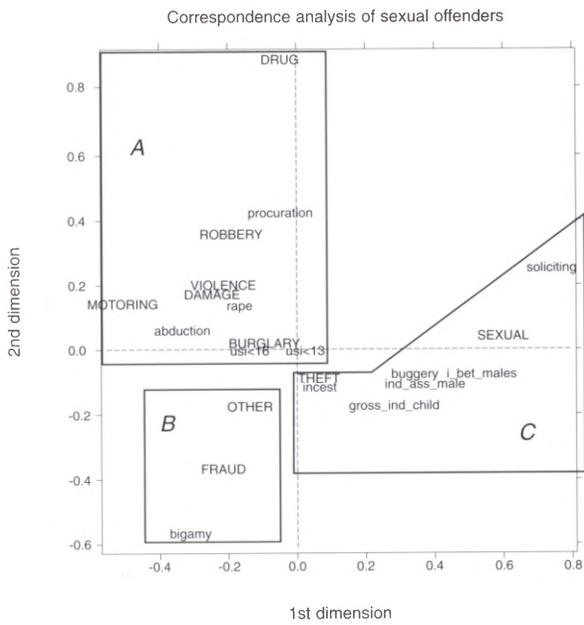
removed from other types of sexual offence. The other two major offences involving male perpetrators and female victims, namely indecent assault on a female and unlawful sexual intercourse with a girl under 13, both appear at the same point – i.e. on the origin. This result reflects the very similar distribution of the two groups which was commented upon earlier.

Figure 1(b) displays the profile of the general offence categories (as used by the *Criminal Statistics: England and Wales*). The groupings seem quite coherent. ‘Theft’ and ‘burglary’ show similar profiles, being both comparatively near the origin. ‘Violence’ offences and ‘damage’ are closely located while ‘robbery’, on the one hand, and ‘burglary’, on the other, are similar distances away but remain in the same quadrant. ‘Sexual offences’ and ‘drugs’ are both far from each other and any other offence, thereby suggesting that they are rather distinct in their profiles. ‘Fraud’ and ‘other’ are on the same diagonal and so seem

to have some similarities. In fact, ‘other’ offences include a motley group; contravening the *Bail Act 1976* (25%) provides the most cases, but there are also such offences as ‘impersonating a police officer’ which may help to explain why this group is in the quadrant dominated by deception-type offences.

Figure 2 (on p. 7) is simply the outcome of superimposing Figure 1(a) (variables identified in lower case) on Figure 1(b) (variables identified in upper case). It usefully highlights how ‘rape’ is very closely and interestingly associated with the ‘VIOLENCE’ and ‘DAMAGE’ offences and so confirms the view that it is more meaningful to consider rape in these terms rather than as a ‘sexual’ offence. In contrast, the ‘SEXUAL’ category is more closely associated with indecency between males and other offences against men. Among other possible links, the spatial similarity of ‘THEFT’ and ‘incest’ is likely to be explained by the high proportion of brother-sister incest cases who are convicted of theft either before or after their incest conviction. ‘FRAUD’ and ‘bigamy’ fall along the same diagonal, while ‘ROBBERY’ and ‘procuration’ are close.

Figure 2
The row and column profiles superimposed, showing the three major types of sexual offenders



In trying to provide an overview of Figure 2 we suggest that one can identify four main clusters, which have been highlighted by the various shadings in Figure 2 and which show the relationship between crime in general and particular kinds of sex offending:

Cluster A This cluster occupies a quadrant dominated by violence, whether it be violence against property or person (including robbery). Perhaps not unexpectedly, the sexual offences which appear in this quadrant are rape, abduction and procurement. More surprisingly, unlawful sexual intercourse with a girl under 16 also comes into this quadrant, suggesting that those charged for this offence may exhibit behaviour akin to rape. Similarly, indecent assault on a female and unlawful sexual intercourse with a girl under 13 also have quite a high component of violence. In brief, we suggest that these are offenders whose predominant feature is ‘violence’ compared to other sexual offenders. Certainly they also commit sexual offences, but such offences seem to be an outgrowth of their general propensity to other kinds of criminal activity.

Cluster B This quadrant shows the offenders whose dominant feature is ‘deception’. ‘FRAUD’ is the general offence category and the only sexual offence which falls within this quadrant is ‘bigamy,’ which can be understood quite readily as a variant of a deception offence.

Cluster C This cluster captures sexual offences (buggery, indecency between males, indecent assault on a male, incest and gross indecency with a child) whose dominant feature is associated with the general crime category of ‘SEXUAL’. Offenders committing these offences have the general profile of ‘repeat sexual offenders’ and so this can be regarded as their master criminal status. With a few exceptions, these offenders in 1973 were mainly convicted of sexual offences against consenting and non-consenting *males*. In contrast, those in clusters A and B were predominantly involved in committing sexual offences against *females*. The latter are much more likely to be involved with other kinds of criminal behaviour, i.e. apart from sexual offending. The former tend to have a narrower criminal repertoire predominantly focusing on sexual offending.

CONCLUSION

This data set is large and the observation of thirty two years is a long period. In both these respects the study is unusual. Further, one aim of this article is to demonstrate that it is possible to display complex data (see Table 1) in a visual form which, hopefully, makes the data more meaningful. First, though, there is the usual caveat that we have nothing direct to say about *offending* which may not result in a conviction – that is, the renowned ‘dark figure’ of undetected crime. Our emphasis is on trying to understand ‘profiles’ of convicted crime; nothing more and nothing less.

‘Profiles’ in our sense are essentially summaries of criminal behaviour for groups of offenders over a 32-year period. Hence, one can identify the proportions of offenders within each group who have experience of different types of crime. However, we cannot say that two groups with similar profiles have individuals with similar criminal careers. One individual in a group, for example, may have a moderate risk of theft throughout the 32-year period, while another may initially have a high risk with a decline to a low risk. The possibilities are endless; nevertheless we have identified one way of portraying similarities and differences between groups of sexual offenders.

So what have we learned? Our platform has been to engage in the issue of what we have termed ‘criminal apartheid’, that is, the temptation to group those committing sexual offences into a separate category from those who commit other kinds of criminal offences. We suggest that bowing to this temptation does not aid an understanding of sexual offending. The advance which we are proposing is that we can identify among those committing sexual offences a patterning in the *type* of other kinds of offences which may help to develop a new conceptualisation of sexual offending. Of course, ‘new’ is a hostage to fortune and some of what we are suggesting has been in the public domain for some time. Hence, for instance, to tell the world that approaching half of those committing rape will have a conviction for violence on *another* occasion only begins to quantify what is already known. However, to say that, among other sexual offences, only abduction has a higher rate and that it is over nine times more likely that those convicted of rape offences will have a conviction for a violence offence on another occasion compared with those convicted of indecency between males begins to move us into a new type of analysis which compares proportions in a more systematic way.

We suggest that there are predominantly three main groups of offenders who are convicted of sex offences at some point in their criminal career. First, there are those who are essentially violent – they rob, rape, damage property, procure, abduct, drive dangerously. Of course, sometimes they do other things as well and commit other types of crime, but we suggest their criminal life becomes essentially organised around violence. Second, there are those who are essentially deceptive – they perpetrate fraud, false pretences and pretend they are not married when they are. Third, there are those who essentially tangle with the law simply on account of their illicit *sexual* behaviour but are not much involved with other kinds of criminal behaviour – nevertheless, they bugged, commit indecency with other males, and get convicted of gross indecency with children.

Sexual offenders are not a homogeneous group, but to try to quantify their relative specialisation and/or versatility with any precision is, of course, hazardous. Human lives are diverse, and

trying to produce a simplified picture has its pitfalls. Certainly, taking a 32-year 'window of observation' for analysis produces a paradox. Patterns may be more discernible over a long-term but the amount of data available often makes analysis complex. Furthermore, there are dangers of being trapped by the statistical procedures one adopts. Identifying four rather different domains in which those convicted of sex offences seem to operate, we have provided a somewhat essentialist stance. In brief, our analysis may suggest that lives are rather more static than they really are. In fact, lives can be quite dynamic. Perhaps persons whom we have deemed as essentially violent or acquisitive or deceptive or homosexual do change over time and what we have deemed as their 'master status' may not remain constant. Nevertheless, we suggest that this analysis helps to guard against the rather narrow focus on sexual offending in isolation which current theory and practice seem to encourage. 

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Model contracts in the construction industry

by Geoff Haley



Geoff Haley

The International Federation of Consulting Engineers (FIDIC) has produced a number of model form contracts for use in the international construction industry, included in the latest FIDIC *Form of Contract*, Fourth Edition, published in 1997. This article examines the approach taken by FIDIC on certain key contractual issues and contrasts it with that taken by the UK under the Private Finance Initiative.

The Private Finance Initiative (PFI) was launched in 1992 with the aims of improving the quality and quantity of public sector capital projects and of developing higher quality and more cost-effective public services through partnerships with the private sector. The scheme is based on the premise of procurement of a high capital value asset being passed to the private sector together with the attendant risks. UK Government Departments must initially examine the PFI potential of all capital projects and if practicable, follow the PFI route. This has led to PFI being extended to a number of sectors in the UK including schools, hospitals, roads, police stations and government accommodation.

Under the PFI, the concept of Design Build Finance Operate (DBFO) was introduced as an alternative procurement method for the public sector. This involves a public sector body purchasing a capital-intensive service from a private sector provider, which includes provision and maintenance, under a

long-term contract. The public sector pays for the service in specific payments as defined in the contract which will depend on the provider's performance and/or usage of the service. The provider will assume responsibility for investing in the capital assets, financing that investment and managing the facilities to the level of service specified by the public sector.

FORCE MAJEURE

Force majeure is a concept widely understood and accepted throughout the world, although the definition and interpretation of the circumstances differ from one jurisdiction to another as do the legal consequences. It is generally accepted as being the circumstance under which the party suffering from a non-default incident, unforeseen and outside the control of the parties (i.e. usually the private sector partner) can be excused from further performance of the contract.