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Sexual crimes and behavioural analysis in judicial investigations

Feedback
from the French national police



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INTRODUCTION

How behavioural science is applied during an investigation?

- ❑ Pre-conceived notions dominate
 - ✓ Myths, collective portrayals and stereotypes
 - ✓ (Excessive) media focus on sex crimes ...
 - ✓ When an investigator carries out an investigation, what's the context and what methods are used?
- ❑ Psychology of judicial investigation services





BEHAVIOURAL ANALYSIS WITHIN THE NATIONAL POLICE

- Service created in **2002**
- **Judicial police officers (expert)**
- **Multi-disciplinary team:**
 - Analysts (university level training in criminal psychology) and investigators (experienced in serious crime against people)
- National competence
- Operational 24hour
- Always visits crime scene
- Intervenes at the request of a judge or chief investigator
- Before a suspect is arrested
- Analysis is a formal part of legal case



SCOPE

- **Murder (sexual connotation or not)**
- **Rape and sex attacks**
- Kidnapping
- Disappearance
- Serial crimes or isolated acts
- Particular characteristics related to the facts
(features of specific criminal behaviour)
- Notion of absence of an apparent motive



WHAT IS BEHAVIOURAL ANALYSIS?

❑ Multi-disciplinary approach:

- ✓ Traditional methods of investigation
- ✓ Analysis of objective data (excluding the hypotheses of the investigators) based on observations from the crime scene, from legal medicine and criminalistics
- ✓ Deep understanding of criminal psychology and victimology

❑ Methodology:

- ✓ Do a reconstruction of the crime
- ✓ Determine the motive (basic intention, trigger, organisation...)

❑ Objective:

- Highlight the **characteristics of the criminal behaviour and personality of the "type"** of individual capable of carrying out the act
- Guide investigations in the identification of the author of the crime, not designate someone as guilty



SCIENTIFIC BASIS OF BEHAVIOURAL ANALYSIS

Results of research into sexual delinquency:

- ✓ Typologies of sex criminals (Groth, 1979 ; Knight et Prentky, 1990 ; Ressler, Burgess, Douglas, 1988 ; Hazelwood, Burgess, 2008)
- ✓ Integrated explanatory theories (Marshall, Barbaree, 1990 ; Hall et Hirschmann, 1991 ; Ward, Siegert, 2002 ; Ward, Beech, 2006)
- ✓ Psychological and developmental studies (Proulx, Cusson, Beauregard, et Nicole, 2005 ; Beauregard, Lussier, Leclerc, Cale, Proulx, 2007)

Methodology:

- ✓ **Principles of the psychology of investigation** (Canter, 2000) : an individual's actions are a reflection of a person's personality
- ✓ The crime scene is a continuation of someone's personality (Benezech, 1999)
- ✓ **Protocol** based on those used by similar services abroad (FBI, BKA, Canadian Royal Police Force)



WHY BEHAVIOURAL ANALYSIS IS USEFUL IN SEX CRIMES

RAPE AND SEXUAL ATTACKS

Note: author unknown

Study into sexual behaviour case by case

- ✓ Victimology
- ✓ Triggering motive
- ✓ Verbal activity
- ✓ Sexual behaviour
- ✓ Non-sexual behaviour

Serial cases

- ✓ Analysis of the person's operating, victim selection
- ✓ Spatial-temporal factors (first attack)
- ✓ Comfort zone
- ✓ Proactive advice to hone investigations
(place of residence or professional activity probable)



BEHAVIOURAL CHARACTERISTICS OF RAPE

EXAMPLE OF RAPE BY REASSURANCE

- Varied sexual sequences consisting of caresses, kisses, oral or anal acts, and non-violent sexual suggestions
- Approach by stealth
- Presence of a weapon to control the victim
- Violence hardly used (instrumental) due to intimidation
- Pseudo-intimate behaviour of the rapist : questions, personal info, re-assurances, fake seduction
- Asking the victim to collaborate by use of threats
- Stealing or asking the victim for cash or an object
- Behavioural dynamic in serial cases



WHY BEHAVIOURAL ANALYSIS IS USEFUL IN SEX CRIMES

SEXUAL MURDER

- ✓ Lack of legal definition
- ✓ Limits of the investigators' intuition

- Criteria of sexual murder** (Ressler et al., 1986, Turvey, 2007, Benezech, 1997)
 - victim stripped or partially unclothed,
 - sexually explicit position,
 - insertion of a foreign object in the victim's body,
 - indicators of a sexual activity or not,
 - indicators of a substitute sexual activity or sadistic sexual fantasies
- Look for a sexual connotation**
 - intention not followed by relationship,
 - staging,
 - related sexualized activity
- Look for reasons for the trigger**, to analyse a crime scene beyond the pure material elements



RECOMMENDATIONS BASED ON BEHAVIOURAL ANALYSIS OF SEX CRIMES

- ❑ Use a rigorous multi-disciplinary approach and scientific practices (protocols, reports on practices, interview techniques...)
- ❑ Put the elements gained into perspective according to **their own context**
- ❑ Record keeping: proving the conclusions with medico-legal expertise (*Perona, 2017*) the victim as source of proof (visible/reliable traces, proof of absence of consent...).
- ❑ Assume there will be uncertainties: look for the essentials of the crime by gathering all the elements without seeking to make sense of them at all costs
- ❑ **Interview**: a delicate step during which the investigator's attitude is crucial cf. compatibility of the victim's account of the rape, interacting with an individual who doesn't consider themselves as a "rapist"



CONCLUSION

- Behavioural analysis constitutes a useful **tool as** an added value to understand the motive for criminal behaviour, with the objective of unfolding a crime and identifying the perpetrator.
- Training is needed for those involved in the legal process in sexual delinquency cases (investigators et judges); option of specialised investigators?
- Work to challenge all forms of trivialisation of facts of a sexual nature in court procedures: from the complaint, to the hearing including how facts are established and qualified ...
- Practice of applied criminology – need to create and nourish links between practice and research.



Thank you for your attention...