

Do Serial Sex Offenders Maintain a Consistent Modus Operandi?: Findings from Previously Unsubmitted Sexual Assault Kits

Rachel Lovell, PhD | Dan Clark (Ret.), MS



JACK, JOSEPH AND MORTON MANDEL
SCHOOL OF APPLIED SOCIAL SCIENCES

CASE WESTERN RESERVE
UNIVERSITY

Begun Center for
Violence Prevention
Research and
Education
begun.case.edu

“....It’s rare to have someone who targets both strangers and acquaintances. Typically, rapists who target strangers put on a show of good behavior in front of family — saving their deviant behavior for the cover of night.”¹

--A county prosecutor referring to a rapist who had recently been connected to sexual assaults involving his foster children and adult, female strangers.

It is a common belief among law enforcement and prosecutors that serial sex offenders maintain a consistent modus operandi (MO), *or offending pattern*. The standard investigative practices in many law enforcement agencies are to either investigate a sexual assault allegation as an isolated event or use the offender's MO to link other sexual assaults possibly committed by that offender. However, recent research on previously unsubmitted sexual assault kits in Cuyahoga County, Ohio is calling this practice into question from the Cuyahoga County Sexual Assault Kit research team at the Begun Center for Violence Prevention Research and Education at Case Western Reserve University.

In our recently-published paper in the [Journal of Criminal Justice](#) “*Offending patterns for serial sex offenders identified via the DNA testing of previously unsubmitted sexual assault kits*,” we present findings showing that serial sex offenders frequently assault both strangers and nonstrangers, and often drastically vary their MO across assaults. Offenders in the sample frequently exhibited crossover offending by relationship, age, and even some by gender. Overall, we find many of these sexual assaults appear to be more opportunistic and less methodical.

In this brief, we discuss our findings and why these findings contradict standard practices for investigating sexual assault, provide recommendations for changing

¹Cooper, T. (2017, June 13). New DNA collection links inmate to four rapes in Omaha in the early 2000s. *Omaha World-Herald*. Retrieved from http://www.omaha.com/news/crime/new-dna-collection-links-inmate-to-four-rapes-in-omaha/article_0b27972c-e42c-5d13-a989-b908d1f7fe37.html

how law enforcement investigates sexual assault based on these findings, and include a discussion of the larger implications of this research for collecting and testing kits and following up on the results of the testing. In the end, we argue, based on these findings, that law enforcement should investigate every sexual assault as potentially having been perpetrated by a serial sex offender as it is more likely than previously thought that the perpetrator has committed other sexual assaults or will sexually offend again in the future.

So, what did we find?

Relationship Crossover

We looked at serial sex offenders who had been linked to more than one unsubmitted sexual assault kit in Cuyahoga County because this provided us extensive details about the sexual assaults. *We found that over 1/3 of these serial sex offenders assaulted a stranger (defined as someone completely unknown to the victim) and a nonstranger (defined as someone known, in some way, to the offender; also known as relationship crossover).*

This finding likely undercounts the degree to which serial sex offenders relationally cross over, as our sample is disproportionally composed of sexual assaults where the victim did not know the offender at all (i.e., the offender was a "stranger") and had a SAK collected, which means that these types of sexual assaults might be more likely to be reported (although there is not yet research on this).

Examples. Offender #1184 sexually assaulted two women in separate offenses. One victim was his 13-year-old "girlfriend" (he was 20 years old). His MO in that sexual assault involved manipulation. In the other sexual assault, he vaginally, orally, and anally penetrated a stranger, keeping a gun to her head during the entire assault.

Offender #1095 sexually assaulted two women in separate incidents, one stranger, one nonstranger. The stranger victim was held captive by the offender in a third-party's home for three days. The nonstranger was sexually assaulted in the offender's car.

Age Crossover

The age difference between the victim and offender was largest when the victim and offender did not know each other and the smallest when the offender and victim knew each other.

Examples. Offender #92 sexually assaulted one stranger who was 19 years older than him and another stranger who was 12 years younger.

Offender #98 sexually assaulted a stranger who was seven years older than him, and another stranger who was 21 years younger.

Gender Crossover

Our sample included only four male victims, so an analysis of gender crossover is limited. However, our data identified two offenders who assaulted both female and male victims.

Examples. Offender #3000 was one of four offenders involved in the sexual assault of a 13-year-old girl at a party (a stranger) and two months later sexually assaulted his three-year-old son.

Offender #5 is linked to three sexual assaults via DNA—two females in separate incidents and in another incident and sexually assaulted a 29-year-old sleeping male in a group home.

Consistency of a MO

The offenders who were most consistent in their MOs knew their victims.

Examples. Offender #88 committed three sexual assaults within two years. All were victims he knew—a friend, a neighbor, and a relative. He kept a similar MO in all three sexual assaults—attacked while they slept, didn't use force or a weapon.

Offender #97 sexually assaulted two women he knew, three months apart. He had a similar MO in both: spending time with women he casually knew as part of a larger group, getting the victims alone, and sexually assaulting them by dragging and holding them down. Both sexual assaults began with a consensual interaction that turned violent, and neither involved a weapon.

Offender #154 sexually assaulted two women. He met both while working at the bus station. The victims agreed to drink with/go on a date with the offender. The offender then took the victims to his house and sexually assaulted them.

What about the sexual assaults we don't know about?

Analysis of our data suggests that we are only capturing a small portion of the serial sex offenders' sexual assaults. Why do we say this? Well....

- Most of the sexual assaults in our sample are from the early-to-mid 1990s, as these are the cases the Cuyahoga County Sexual Assault Kit Task Force (Task Force) is investigating first due to Ohio's statute of limitations.
- We only have data on sexual assaults in Cuyahoga County. It is very possible that offenders assaulted other victims outside of the county and, therefore, are not included in our data.
- We only have data on reported sexual assaults that included sexual assault kits, which were never tested.
- We only have data on cases that were never successfully prosecuted but now have either been indicted or closed by the Task Force due to insufficient evidence.

Examples. When examining offenders linked to more than one unsubmitted kit in the Cuyahoga County sexual assault kit initiative, we found some committed multiple sexual assaults when they were quite young—one offender was 14 for the first sexual assault and 15 for the second assault. On the other hand, some offenders were much older—one offender committed seven sexual assaults between the ages of 48 and 57.

More research is needed in this area as our findings suggest serial sex offenders likely have many more sexual assaults we do not know about.

What's different about these data?

Most of what is known about serial sex offenders is based on serial sex offenders who have been convicted of multiple sexual assaults, which is a small, nonrepresentative sample of all rapists, and is based on those who only repeatedly sexually assault strangers.

By contrast, the data presented here are based on sexual assaults that have been linked via much more objective means—through the DNA testing of previously unsubmitted sexual assault kits from an almost 20-year span of time in one county. These are sexual assaults that had not previously been linked. Additionally, these data are based on evidence collected at the time the kit was collected (and not at conviction), which means our data is a more representative sample of reported sexual assaults.

Our data are from a sample of 433 cases where a sexual assault kit had been collected but never tested, and the case not successfully prosecuted at the time, but have currently either resulted in an indictment or were closed due to insufficient evidence by the Task Force. The crossover analysis is based on offenders who had more than one linked, previously submitted sexual assault in the county (n=53 offenders; 143 sexual assaults).

So why is the DNA so powerful?

Traditionally, law enforcement has relied heavily on a crime victim's memory to provide the information necessary to establish an offender's identity. Investigating officers were trained to quickly collect victim's answers to who-, what-, when-, where- and how-based questions. Today there is recognition that victims, especially sexual assault victims, may not be capable of providing answers to these questions in this traditional format, and that interviewing techniques such as Forensic

Experiential Trauma Interviewing², might be a more effective sexual assault investigative method.

In the past, a traumatized victim's inability to clearly relate facts of the incident, and/or make an identification from photographs of known sex offenders, often lead to their cases being closed. With the advent of DNA testing, we now have a definitive piece of evidence linking an offender to a victim that does not rely on the victim's memory.

Linking sexual assaults to a single offender has been primarily accomplished through reviewing reports in an attempt to find common offending patterns. Now knowing how limited, and sometimes inaccurate, victim accounts are due to traumatic memory, coupled with this research that shows inconsistent offending patterns, it is not surprising that few linkages were ever made. DNA testing, in all cases, overcomes these factors which previously made linking sexual assaults so difficult.

So, what is law enforcement supposed to do now?

Ensure sexual assault kit collection. Law enforcement needs to ensure every victim who comes forward is given the opportunity to have a kit collected. They also need to establish collaborative working relationships with community-based victim advocates who can assist them in communicating the importance of having evidence collected, in situations where victims may be reluctant.

Make contact with laboratory personnel. Agencies need to make contact with the laboratory personnel that will be analyzing their evidence to determine collection time parameters, i.e., how long post-assault evidence can be collected and be accepted by the laboratory for analysis. These parameters vary across the country and have been evolving, although not always keeping pace, with advances in technology. Submission protocols should also be reviewed to determine what evidence, other than the kit, will be accepted for analysis. The Task Force found significant success in developing offender profiles from other evidence (e.g., clothing, bedding) in cases where the kit produced none.

²Developed by Russell Strand, <http://www.russellstrand.com>.

Conduct in-depth investigations. Treat all reports of sexual assaults as one of a series. This research and others like it establishes that sexual offenders are often serial sex offenders. The likelihood that other offenses have been committed, either reported or unreported, is high. Once an offender is identified, an in-depth investigation regarding their history may produce accounts of perpetration from friends, co-workers, family members, or patrons of businesses the offender frequented. Convictions for sexual assault cases are often difficult to achieve, even more so when the facts are convincingly portrayed as being "he said, she said." When a thorough, in-depth investigation has been conducted and has produced multiple victims of the same offender, that portrayal of facts disappears.

What are the larger implications of this research?

1. **Encourage the collection of sexual assault kits by making the process of having a kit collected easier and more victim-centered.** Victims would be more likely to report and have a sexual assault kit collected if they believed law enforcement will test the kit and follow up on their case. We need to streamline the kit collection process for victims, which includes providing victim advocacy during the entire process.
2. **Test the evidence you have, and test all sexual assault kits.** Test those from stranger sexual assaults; those from nonstranger sexual assaults; those from convicted offenders; those from deceased offenders; and those from victims who do not want to prosecute. Test all sexual assault kits.
3. **Follow up on the testing of the evidence with a thorough investigation and prosecution.** A lab report only becomes more than a sheet of paper when something is done with the contents of the report. Only then does the full power of DNA testing become actualized.

Acknowledgments

This brief is derived from research conducted by an entire team of researchers who are co-authors on the *Journal of Criminal Justice* paper, which includes Rachel

Lovell, Misty Luminais, Daniel Flannery, Laura Overman, Duoduo Huang, Tiffany Walker, and Dan Clark.

This project was partially supported by Grant Nos. 2015-AK-BK-K009 and 2016-AK-BK-K016 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. The pilot research was supported by a research grant from the Cuyahoga County Prosecutor's Office.