

THE OXFORD  
HANDBOOKS IN  
CRIMINOLOGY AND  
CRIMINAL JUSTICE

General Editor: Michael Tonry

EDITED BY

TEELA  
SANDERS

≡ The Oxford Handbook *of*  
SEX OFFENCES AND  
SEX OFFENDERS

THE OXFORD HANDBOOK OF  
**SEX OFFENCES  
AND SEX  
OFFENDERS**

**THE OXFORD HANDBOOKS IN CRIMINOLOGY  
AND CRIMINAL JUSTICE**

GENERAL EDITOR: MICHAEL TONRY

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**OFFENDERS**

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Dedicated to Professor Keith Soothill 1941–2014



## PREFACE: CONFRONTING AND CHALLENGING THE ISSUES

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THE *Oxford Handbook of Sex Offences and Sex Offenders* is intended to serve as the most authoritative and scholarly source on research in this area in the United States and across the Western world. There has been a significant increase in the focus on sex offending in recent years. This has occurred in both the academic and the public spheres. The development of the 'sex crime' as a sub-discipline has occurred in several areas, notably psychology and sociology, with an overarching coherence in the discipline of criminology. The sub-discipline has developed rapidly over the past few decades, partly due to the permanence of the subject in the public imagination, but also due to the expansion of research and commentary at a multidisciplinary level.

In attempting to understand sexual offending, one needs to recognize two different discourses that currently operate in relation to sex crime. At the public level there is an explicit focus on regulation and control. Sex offenders have become the beasts in our midst. Once the beast analogy is seized, then—in control terms—beasts need to be separated from the herd, and hence there has been an exclusionary tendency—something akin to criminal apartheid for those who have committed sexual offences. In short, while there are variations, many countries have tried to confront the considerable societal concern about the phenomenon of sexual offending by regulation and control. The present debate at the public level—which mainly interests sociologists and lawyers—needs to be examined, confronted, and challenged.

Meanwhile, there has been a less public but equally fervent discourse centred on the importance of the assessment and treatment of sexual offenders. The discourse of assessment and treatment has operated at a more subterranean level, for it is often seen—perhaps largely by politicians—as something that is less enthusiastically embraced by members of the public. This may or may not be true, for sometimes the public is less punitive than politicians believe. The debate about assessment and treatment has largely interested psychologists and clinicians. In the final analysis, of course, the public discourse of regulation and control should not be totally separate from the more private discourse of treatment and assessment; connections need to be made. Indeed, the public may appreciate the futility and impossibility of addressing the issue of sex offending simply by regulation and control, whilst clinicians perhaps need to appreciate the wider societal context in which they are operating.

This Handbook—perhaps uniquely—presents these two different discourses but also goes further. The mainstream needs to be fully represented, but the mainstream also

needs to be challenged and developed. The ambiguous boundaries of sexual activity need to be addressed both in theoretical and practical terms. How should the law deal with matters that we term ‘transgressions’, and what are the practical implications?

The potential literature for this project was huge. However, much of it exists in a variety of disciplinary journals and books. We were of the opinion that this range of material needed to be brought together in a fresh and lucid way within a single overall volume that would comprise the most authoritative set of writings on the issues relating to sex offending. The essays are written by leading figures in the research area of sex offending. The book is wide-ranging and includes scholars from various perspectives and from different countries. The Handbook has specifically included scholars from outside the discipline of criminology in order to expose the reader to the vast range of dynamics under this umbrella topic. Hence, the Handbook moves from theoretical explanations to a dissection of who the offenders are, who the victims are, and how offenders are treated and managed; it then proceeds onward, using a sociological lens to examine the social and cultural contexts in which crimes and sexual activities take place. We have encouraged the authors not to give a complete literature review of the topic in hand but rather to tease out the key debates, challenges, and controversies that are pertinent today. These essays can of course be read as standalone pieces for a comprehensive and detailed walk through that topic, but for those wanting a complete introductory journey through the sub-discipline, the 30 essays will provide immense detail and an enriching experience of the state of the discipline in the 21st century.

The Handbook is divided into seven parts, each corresponding to a major theme that is now shaping how sex offences are interrogated. In part I, *Understanding Sex Crime*, four essays provide crucial background material that both the novice and experienced reader will appreciate. These essays confront definitional, theoretical, methodological, and historical issues with a specific focus on defining what sex crime actually is.

In part II, types of sex crimes are considered. Whilst there are many different types, we were keen to cover the most relevant and significant. The first two essays here focus on the most serious type of sex offending—sexual homicide and rape. Following this there is a specific focus on child sexual abuse, the relevance of drugs and alcohol to sexual offending, and the specific issue of commercial child sexual exploitation.

In part III, while it is sometimes difficult to separate analyses of offences and offenders, this part contains five essays that essentially focus on offenders and their victims. The first essay in this part looks at the premise of the victim and the offender and how these categories often overlap. The next two essays consider the more unusual variants of juvenile sex offenders and female sex offenders. The next essay in the part considers the importance of developmental and life-course issues on the criminal careers of sex offenders. Criminology has traditionally neglected a focus on victims, so an overview is provided in the victimization and revictimization essay.

Part IV is dedicated to the regulation and control of sex offenders and how it has increasingly become identified as important. Here four essays focus on the formal regulation and control of sexual behaviour. The law in general, policing, the courts in action, and punishment all need to be considered. There is no separate historical chapter, but

each chapter includes, where appropriate, the historical context as well as the developments of laws, policy, or practice. Similarly, while there are no separate chapters specifically focusing on policy and prevention, these topics will be addressed in the relevant chapters.

Part V takes a broader view on how sex offences are managed in the community. As well as the work of the formal social control agencies that are essentially involved in the detection and the punishment of sex offenders, there are many others, both at the formal and informal levels, involved in the management of and intervention in sex crime. These may complement or be separate from the work of agencies discussed elsewhere in the Handbook. Primarily these activities are involved in assessing and treating the offender. In this part we start out with a review of risk assessment and how this is a crucial part of managing sex offenders. We then move on to explore the range of treatments commonly used with this category of offender. Rather than 'punishing', they can be identified as 'helping' or 'caring for' the offender. The importance of informal social control, in terms of the family and other forms of support, is often neglected but is given prominence here in a separate chapter. Similarly, the needs of victims, often overlooked, are similarly considered, through a restorative justice approach.

Part VI expands the discussion on sex crime beyond the context of the criminal justice system. Sex crime does not take place in a social vacuum, and the social and cultural aspects of crime may be crucial. Four essays in this part outline key aspects in contemporary society necessary for understanding sex offences. The first essay starts by looking at public perceptions and public opinions and how these have begun to occupy a more prominent role than previously. The second essay emphasizes the importance of the media—for instance, in generating moral panics about a crime. Fictional representations of sex crime also need to be considered, as they can reflect and/or create stereotypes about sex crime and sex offenders. Furthermore, elements of the media have changed over the past few decades, and the rise of social media presents new and complex issues regarding sex offences, which make such moral panics more likely.

Finally, in part VII, the authors explore sexual activity at the boundaries of the law—a crime in some jurisdictions but not others. This becomes an issue as one recognizes sex crime as a global phenomenon. There can also be strident debates about the status of some sexual activity within a particular society: some argue that certain sexual activity should be criminalized, whilst others are more reluctant. There is a contemporary ring to many of these debates as the Internet now plays a major role, but are the issues really much different from historical dilemmas in this area? The public/private divide, for instance, has always been relevant in relation to sexual behaviour, but are the boundaries now changing? The first essay in this part pulls out important definitional, theoretical, and historical issues that need to be confronted in trying to understand activity that seems traditionally to have been less mainstream but is now gaining increasing attention. In the particular case of prostitution, the victim and offender debates are fervent, and the discourses around sex as work engage critically with the ideas of prostitution as a criminalized activity. The third essay moves into the hotly debated area of pornography, which sits at the borders of sexual freedom and censorship, private pleasures and

state control. The final essay in this part deals with the cloudy subject of human trafficking, excavating the complexities of migration, prostitution, and sex work within a global context.

An enormous project like this has been possible only because of the care and attention paid by the contributors. The assistance and encouragement from the series editor, Professor Michael Tonry, and that of James Cook and colleagues at Oxford University Press has meant that the momentum of the project has been kept on track. It is with the humblest gratitude that I pay tribute to Professor Keith Soothill, who envisaged this project back in 2013, drawing on over 40 years of his experience and networks to craft a fine proposal that was commissioned in 2014. Keith was the driving force behind this project, as he was behind hundreds of others, but sadly never saw the project come to fruition as he passed away suddenly in February 2014. This project was Keith's idea and bore the hallmark of his efficiency and vision. It is one of his final legacies to the discipline of criminology for which he dedicated his career. I thank him for mentoring me to this stage in my career and for throwing down the gauntlet of this volume, which I know he would be most proud of.

Teela Sanders and Keith Soothill (1941–2014)

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THE OXFORD HANDBOOK OF  
**SEX OFFENCES  
AND SEX  
OFFENDERS**



P A R T I

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UNDERSTANDING  
SEX CRIME

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## CHAPTER 1

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# WHAT IS SEX CRIME?

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KAREN TERRY

THIS essay explores the concept of sex crime, placing the discussion within the context of space and time. The essay develops around four issues:

- The historical and contemporary attitudes towards sexual behaviour, including the changing definitions of sex crimes;
- The role of sex crime in political context;
- Controversies about sex crimes; and
- Contemporary ‘moral panic’ legislation developed in response to high-profile sex crimes.

The essay is organized as follows. The first section discusses what is meant by the term sex crime and examines the prevalence of sex crimes. Deviant behaviour is a socially constructed concept, and as such the discussion of sex crime and how it is defined must take place within a broad social context. Though it is difficult to measure the prevalence of sex crimes due to varied definitions and under-reporting or delayed reporting, data sources show sex crimes have been declining for the past two decades. Next, the essay provides an overview of sex crime within an international political context, with a focus on human trafficking and rape during war, which impact societies globally. Though many controversies about sex crimes exist, the third section of the essay discusses one contemporary controversy about sex crimes—the emergence of a new ‘crime’ of sexting. The discussion about new behaviours prohibited by law is indicative of how definitions of crimes evolve as societies do. The essay concludes by reviewing legislation enacted to supervise and manage offenders in the community. Though courts have deemed this legislation non-punitive, the essay discusses the impact of such regulations on sex offenders.

## I. DEFINING SEX CRIME

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The concept of ‘normal’ sexual behaviour is a socially constructed reality that is continually changing (Jenkins 1998). Actions that are defined as sex crimes vary across cultures,

religions, nations, and even states. These definitions also change over time, adapting to the prevailing social norms. There are few objective standards for acceptable sexual behaviour, and tolerance of various sexual acts depends largely upon the political and social ideologies of time and place. Various sexual behaviours have intermittently been considered taboo, including homosexuality, bestiality, sadomasochism, adultery, masturbation, and intergenerational relationships.

## A. Historical Perspectives on Sexual Behaviour

Various sexual acts were considered normal in ancient cultures. Detailed extensively in art, literature, poetry, mythology, and theatre, the Greeks, Romans, and Egyptians participated in both adult and intergenerational same-sex behaviour (Breiner 1990; Dover 1978). By the 14th century, however, there was a shift in moral thinking about sexuality that was influenced by the Catholic Church. The Church considered all sexual acts for enjoyment rather than procreation sinful, and those who committed acts of masturbation, bestiality, anal intercourse, fellatio, and heterosexual intercourse in anything other than the missionary position could be sentenced to death (Mondimore 1996).

These puritan mores remained largely intact until the early 20th century, when a new philosophy of sexual morality appeared. The emergence of the Industrial Revolution led to vast urban growth, and women and children began entering the workforce for the first time. Their unprecedented freedom and exposure to social activities outside the home led to concerns about increased exposure to sexual activity. Women's purity groups in the United States fought to implement age-of-consent laws as a mechanism for protecting women and children from the sexual predators outside the home (Odem 1995). Simultaneously, researchers were beginning to study sexual 'deviants', explaining their behaviour as a result of serious psychological or medical problems. For example, Richard von Krafft-Ebing (1886/1965) attributed sexual disorders to psychological abnormalities, stating that the sexual disorders were a permanent part of a person's character and could not be changed. He stated that sexual deviants, particularly homosexuals, were mentally ill, pathological, loathsome, and a threat to social hygiene.

The focus on sexual offenders as psychologically deviant persisted through much of the 20th century. Laws in the United States and other Western countries largely focused on serious sex crimes, and most offences reported to authorities were those committed by strangers. Little attention was given to sex crimes within the family or amongst acquaintances, and the prevalence of sexual victimization was not fully understood. By the 1960s, however, research on sexual victimization began to increase, particularly sex crimes against children. Scholars in the United States began receiving federal funding to study sex abuse against children, and study findings showed that most perpetrators were adults who knew the children they abused, and the long-term damage to children who were abused could be devastating (De Francis 1971). The enhanced understanding of harm of victimization also led to a shift in the blame for sex crimes, from the victims to the perpetrators. By the 1970s, child protection professionals started to focus

on prevention of sex abuse against children and scholars launched the journal *Child Abuse and Neglect* in 1976. Simultaneously, feminists were arguing that sexual assaults against women and children resulted from male political control subordinating women through terror, humiliation, and degradation (Brownmiller 1975).

Perhaps the most critical understanding of sex abuse at this time was the emerging understanding of the extent of sexual victimization, particularly intrafamilial abuse and abuse by those in a position of authority over the victims. Weber (1977) stated that sexual abuse was far more common than once thought and, importantly, occurs across social, economic, and ethnic boundaries. Scholars found a correlation between child sexual abuse and adult psychological symptoms and disorders (Rush 1977; Weber 1977) and by the 1980s correlated sex abuse with 'psychological trauma'. By 1983 the harm of sexual abuse was considered a form of posttraumatic stress.

Despite the advancement in the understanding of sex abuse and its harms, many questions about sexual offending and victimization remained. For example, a two-volume publication on sexual abuse raised the questions about how sexual abuse should be defined, what the effects of abuse are and on whom, how victims could be helped, and how abuse can be prevented (O'Donohue and Geer 1992a, 1992b). Scholars continue to study and respond to these questions today.

## B. Current Perspectives on Sexual Behaviour

Definitions of sex crimes continue to evolve, and specific crimes are defined differently by place. However, types of sex crimes today are broadly categorized in four ways (Terry 2013):

1. *Sexual acts with contact*. This includes touching of intimate part(s) of the body or penetration either without the consent of the victim or when one person is incapable of consenting under the law (see discussion below on definitions of consent). Examples of such acts include rape, fondling, penetration with an object, and oral intercourse.
2. *Non-contact sexual acts*. This includes behaviours committed for the purpose of sexual gratification, but where no contact is made between the perpetrator and the victim. Examples of non-contact offences include exposure of the genitals to non-consenting persons, voyeurism, and instructing children to perform sexual acts.
3. *Viewing, possessing, or producing child pornography*. This includes any act involving the production or viewing of visual material of a child that is for the purpose of sexual gratification. Examples include production or downloading of pornographic videos and pictures, and 'sexting', discussed below.
4. *Sexual solicitation or trafficking*. This includes the exchange of sexual services for financial or other types of compensation. Examples include prostitution, which might consist of consensual acts, solicitation online (with adults or adolescents), or acts of domestic or international human trafficking for the purposes of sexual solicitation.

Specific crimes within each of these categories adapt to the social and political ideologies of the times, even serious sexual offences such as rape. Rape as a sex crime has existed since historical times, but the definition of rape has evolved considerably. Traditionally, most jurisdictions defined rape as forced penile penetration of a woman by a man. The definition of rape in most places today includes any type of penetration, by or of someone of either gender, with the underlying concept of forced penetration as the consistent aspect of the definition. This broadening of the definition is a relatively recent adaptation, however. In the United States, the Federal Bureau of Investigation (FBI) only modified their definition of rape in the Uniform Crime Reports (UCR) in December 2011 to include 'Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim' (FBI 2014), thus making it consistent with many local jurisdictions.

In addition to the changing definition of rape and other sex crimes, the definition of coercion—a central component to whether a sexual act is considered a crime—also continues to evolve. There is no consistent definition of coercion either in studies or in the law. Some definitions discuss the continuum of the process by which individuals are forced to participate in sexual behaviour against their will (Spitzberg and Rhea 1999). Others discuss the specific actions that may constitute coercive behaviour (Kilpatrick 2004). Yet others describe the factors associated with coercion, such as using pressure, alcohol, or drugs to force sexual contact (Struckamn-Johnson, Struckman-Johnson, and Anderson 2003). No matter what the source, the terms used in most definitions are vague and focus on stating or implying (through silence) a lack of agreement to participate in sexual activity. The state of California is the first to shift the definition of consensual sexual activity in Senate Bill 967, which applies to all universities that receive state funding. The bill states that sexual activity is only consensual if both parties provide 'affirmative consent', and that the lack of resistance does not imply consent. Because of the nascent nature of this bill, the efficacy of this definition has yet to be evaluated in regard to its prevention of sex crimes or the ability to prosecute an individual under this act.

Using the traditional definitions of consent, studies show that up to 50 per cent of women report having experienced coerced sex (Koss, Gidycz, and Wisniewski 1987; Thomas 2005), and up to 55 per cent of men admit to engaging in sexually coercive behaviour (Boeringer 1996; Wilson, Calhoun, and McNair 2002). Studies indicate that verbal coercion is used more often than physical coercion (Boeringer 1996; Koss, Gidycz, and Wisniewski 1987), and coercion is associated with adverse negative emotional, physical, and psychological symptoms (Friedrich, Whiteside, and Talley 2004; LaCasse and Mendelson 2007; Testa and Dermen 1999).

One factor that has spurred the expansion of definitions of coercion and sex crimes more generally is the enhanced understanding of the harm of victimization. In many cases, sexual victimization leads to extensive, irreparable harm. Studies show that sex abuse victims experience high rates of depression and anxiety (Kendall-Tackett, Williams, and Finkelhor 1993; MacMillan and Munn 2001; Romano and DeLuca 2001), an increased risk of suicide and suicidal thoughts (Dube et al. 2005; Rossow and

Lauritzen 2001), substance abuse problems (Dube et al. 2005; Heffernan et al. 2000; Macmillan and Munn, 2001; Simpson and Miller, 2002), anger, resentment, low self-esteem, shame, and self-blame. Moreover, victims often have difficulty trusting others, exhibit antisocial behaviours, and have strained interpersonal relationships (Dube et al. 2005; Macmillan and Munn 2001). Scholars have also found that those sexually abused as children are more likely to develop eating disorders (Dube et al. 2005) and sexual problems such as promiscuity and confusion about sexual identity (Bensley, Van Eenwyk, and Simmons 2000). These psychological, emotional, physical, and behavioural effects can be debilitating to some victims and permeate all aspects of their lives in both the short and long term.

Another contemporary discussion regarding sex crimes revolves around not only what the sex crime is, but the context in which it occurs. Sex crimes are highly prevalent in families, amongst acquaintances, and in institutions and organizational contexts where potential perpetrators are alone with children or others who are vulnerable. This could include prisons, boarding schools, and the military—closed institutions where adults, colleagues, or peers have opportunities to spend time alone in a closed environment. It may also include institutions where adults form mentoring and nurturing relationships with children and adolescents, such as schools, sports, and social organizations. Few studies have evaluated the extent of abuse in these contexts, but the studies that do exist indicate that abuse is widespread and ‘woefully understudied’ (Shakeshaft 2004, p. 51).

The studies that do exist show that child sexual abuse in particular is pervasive in situations in which adults have unguarded access to children. Colton, Roberts, and Vanstone (2010), Sullivan and Beech (2004), and Wortley and Smallbone (2006) found that many perpetrators accessed the children they abused through youth-oriented organizations, and some joined the organization specifically for that purpose. Institutions with power differentials, which are often male-dominated, perpetuate inappropriate sexual behaviour, and the sexual assaults often go unreported. This has been particularly evident in social organizations, such as the Boy Scouts of America (BSA), and religious institutions.

Beginning in 2002, reports in the United States became widespread about abuse within religious organizations, particularly the Catholic Church. Reports show that approximately 5 per cent of Catholic priests in the United States have abused children since 1950, with the majority of abuse cases occurring in the 1960s through 1980s (John Jay College 2004; Terry et al. 2011). Abuse allegations within the Catholic Church are not specific to the United States, however; reports of abuse in the Catholic Church globally have emerged since 2010, particularly in Western Europe and other English-speaking countries (Terry, 2015). Whilst media reports and academic studies have focused primarily on abuse in the Catholic Church, there are also many reports about widespread abuse and poor responses to abuse in Jewish, Protestant, Southern Baptist, Episcopal, Jehovah’s Witnesses, and Mormon faiths (Terry and Litvinoff 2012). Similarly, the BSA has been subject to extensive reports of abuse by employees and volunteers within the organization. While the extent of victimization is not

known, the BSA has been ordered to release nearly 2,500 files of abuse records as the result of lawsuits against them. The organizational and cultural factors that played a role in providing opportunities for abuse to occur in all of these organizations include high levels of isolation and discretion, unquestioned power and authority, little direct supervision from superiors, and inadequate screening, training, and education (Terry et al. 2011). However, nearly all organizations have now implemented extensive screening and training procedures.

### C. Prevalence of Sex Crimes

Sexual victimization is highly prevalent across various races and ethnicities, of both genders, and across the socioeconomic spectrum. It is difficult to know the true extent of victimization because many sex crimes go unreported or are reported after a significant delay. Yet official statistics and research studies give an indication of the extent of sexual victimization in society. Meta-analyses have shown that approximately 30 per cent of girls and 13 per cent of boys are victimized throughout the lifespan (Bolen and Scannapieco 1999), with many experiencing multiple types of abuse (Finkelhor 2008; Horwitz et al. 2001; Widom, Czaja, and Dutton 2008).

Although official statistics underreport the incidence of sex crimes, the UCR has provided data about rape rates since the 1930s. The UCR shows that by 2009, the rate of forcible rape was 56.6 rapes per 100,000 people, a decrease of more than 10 per cent over the last decade (FBI 2009). According to victimization surveys, this decline in sex crimes was also evident in the 1990s and 2000s, beginning in 1992 (Minnesota Department of Health 2013).

When measuring the incidence of child sexual abuse in the United States, the two most common sources are the National Incidence Study (NIS) and the National Child Abuse and Neglect Data System (NCANDS). There are four waves of NIS data, which provide child, perpetrator, and family characteristics and demographic information about the nature and severity of the maltreatment, as well as the extent of changes in the incidence over time. While the third wave of data, published in 1993, showed a 56 per cent increase in the levels of child maltreatment, the fourth wave of data, published in 2009, showed a 19 per cent decrease in the total number of maltreated children in the United States (U.S. Department of Health and Human Services 2010).

## II. SEX CRIMES IN A POLITICAL CONTEXT

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Though most sex crimes are defined within specific places, others are transnational issues that affect multiple countries and must be defined in a global context. Examples of such crimes include human trafficking and rape during war. This section of the essay briefly outlines what is understood about such crimes and the global responses to them.

The United Nations (UN) defines human trafficking as the

recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. (UN Office on Drugs and Crime 2014, Article 3)

Victims of human trafficking can be children or adults, domestic or international. They can be women or men, but the most commonly trafficked individuals are young women. Though they can be trafficked for various reasons, including forced labour, debt bondage, and involuntary servitude (Uy 2011), this essay focuses on human trafficking for the purposes of sex slavery. Human trafficking for the sex trade involves the transportation of individuals against their will for the purposes of prostitution, pornography, stripping, escort services, and other sexual services (Terry 2013).

Human trafficking is often seen as being connected to a larger picture of economic globalization and transnational crime (Fry 2008) and is worth an estimated \$32 billion to \$91 billion (Kotrla 2010). Excessive debt is used as a tool to manipulate victims into human trafficking (Lagon 2009), or a promise of money and a better life. Because the definitions of human trafficking are not always clear, it is difficult to collect accurate data about this phenomenon. There is often a mixture of data concerning trafficking, smuggling, and illegal migration, while the term trafficking is reserved for victims of sexual slavery only (Gozdziak and Collett 2005). It has also been difficult to create a definition of human trafficking due to differences regarding the notion of 'consent' and the age of the victim (Gozdziak and Collett 2005). There is a clear distinction between adult and children victims of sex trafficking, as adults are considered victims if they are subjected to commercial sex acts by force, fraud, or coercion, while a child under the age of 18 is considered a victim simply based upon his or her age (Kotrla 2010).

The actual extent of human trafficking for the sex trade is unclear (Fry 2008), and estimates vary widely. The U.S. Department of State has been publishing global estimates of human trafficking since 2002; they estimate that between 600,000 and 800,000 people are trafficked globally annually (Fry 2008), with 14,500 to 17,500 trafficked into the United States alone (Gozdziak and Collett 2005). The majority of trafficking cases were characterized as part of the sex trade (82 per cent), split between instances of adult sex trafficking and allegations of prostitution or sexual exploitation of a child (Banks and Kyckelhahn 2011). Some experts suggest that there are as many as 100,000 domestic minor sex trafficking victims in the United States, while 350,000 more children are at risk of becoming victims (Gozdziak and Collett 2005).

The media portrayal of sex trafficking is that of Third World women and children being brought across borders and forced into commercial sex acts (Uy 2011). However, that is not necessarily an accurate portrayal. The Human Trafficking Reporting System was designed to measure the performance of the federally funded task forces and is currently

the only system that captures information on human trafficking investigations conducted by the state and local law enforcement agencies (Banks and Kyckelhahn 2011). Among the 389 incidents confirmed to be human trafficking in their report, there were 488 suspects and 527 victims; 13 per cent of the confirmed sex trafficking victims were age 25 or older; sex trafficking victims were more likely to be white (26 per cent) or black (40 per cent); and 83 per cent were identified as U.S. citizens (Banks and Kyckelhahn 2011). Studies show that those children most at risk are those who are homeless, those who have a history of abuse, and those in foster care or child protective services (Kotrla 2010). Children can also become victims to sex trafficking through the Internet, as traffickers search for victims online and advertise the children online to potential consumers (Kotrla 2010).

For the cases of sex trafficking that are international, Kotrla (2010) suggests that countries have a 'culture of tolerance' that supports sex trade markets. These cultures often glamourize pimping and prostitution, which are embodied in clothing, songs, television, video games, and other forms of entertainment. Bales (2007) found six factors that predict trafficking from a country. The most powerful predictor was government corruption, followed by per cent of the population under 14 years old, infant mortality, food production, population pressure, and conflict and social unrest. These factors explained 75 per cent of the variance in trafficking from a country. Fry (2008), however, found only four significant factors: per cent of male population aged 60 or older, government corruption, infant mortality, and food production.

The Trafficking Victims Protection Act of 2000 is the first comprehensive federal law in the United States to combat human trafficking and help victims. Under this act, human trafficking is defined as

the recruitment, harboring, transportation, provision, or obtaining of a person for one of three purposes: labor or services, through the use of force, fraud, or coercion for the purposes of subjugation to involuntary servitude, peonage, debt bondage or slavery; a commercial sex act through the use of force, fraud, or coercion; and any commercial sex act, if the person is under 18 years of age, regardless of whether any form of coercion is involved. (Banks and Kyckelhahn 2011, p. 2)

The UN General Assembly adopted an international treaty regarding trafficking that requires that countries

criminalize trafficking and related conduct, as well as impose appropriate penalties;  
facilitate and accept the return of their trafficked nationals;  
when returning trafficked persons, ensure that this happens safely;  
exchange information aimed at identifying perpetrators or victims;  
provide or strengthen training for law enforcement, immigration, and other relevant personnel;  
strengthen border controls to detect and prevent trafficking;  
take legislative measures to prevent commercial transport being used in the trafficking process; and  
take steps to ensure the integrity of travel documents issued on their behalf and to prevent fraudulent use. (Fry 2008)

The protocol also contains victim protection measures, such as protecting the privacy of trafficking victims, providing for the physical and psychological recovery of victims, providing for the physical safety of trafficking victims, ensuring that domestic laws provide victims with the opportunity of obtaining compensation, permitting victims to remain in territories temporarily or permanently, and establishing polices aimed at preventing trafficking and protecting victims from being revictimized (Fry 2008).

Trafficking across borders is not the only sex crime affecting women and children globally. Rape of women and children during international and civil wars occurs regularly. Rape in war has occurred throughout history, continuing in many cultures through present-day conflicts. It has been documented in wars of revolution, such as in George Washington's papers in 1780, and in wars of religion as far back as the First Crusade (Brownmiller 1975). Few detailed accounts had been written about rape until World War I, and it was only with the mass rapes in Bosnia that the issue finally came into the public consciousness (Lees 1996).

Associated with the 'the ideology of masculine aggressiveness' (West 1987, p. 155), the motivation behind rape during wartime is described as the need for power and domination of another people. Brownmiller has called rape by soldiers a normal rather than abnormal aspect of war, although the extent of rape is dependent on the status of women in society. In some conflicts, rape is used as a weapon to demoralize and destroy community honour (Lees 1996, p. 59). For example, the Vietcong consider women to have status equal to that of men, and as such they considered rape to be a serious crime (Brownmiller 1975). In other societies, women may be viewed either as objects that can be used and discarded (such as with the Jewish women in concentration camps in World War II). In some wars, women are considered objects that can be used to eradicate the enemy. Examples of this include the 'ethnic cleansing' in Bosnia and the Sudan.

Despite the general acknowledgement that rape has always been a war tactic, it was only in 2008 that the UN Security Council passed a resolution that specifically constitutes rape as a war crime. Resolution 1820 explains rape as a 'a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group' (UN Security Council 2008, p. 1). Recognizing rape as a weapon of war and equating rape with genocide, the resolution calls upon member states to prosecute anyone accused of such crimes. The effectiveness of the resolution, however, has yet to be gauged, particularly in places with internal conflicts such as the Democratic Republic of Congo, Liberia, and Sudan.

### III. CONTEMPORARY CONTROVERSIES

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The definition of sex crime is constantly adapting, particularly with the rapid rise in technology. As a result of this changing technological landscape, the types and level of sexual exploitation of children and adolescents have increased substantially in the last few decades. Not only do computers and digital cameras allow for the more discreet exploitation of children, but Internet and social media sites provide a forum for

mass distribution at unprecedented levels. Concerns initially centred around the sexual exploitation of children by adults, but in fact much of the exploitation is conducted by minors themselves. Adolescents and young adults take photos of themselves and send them to friends ('sexting') or post them online. Though the adolescents sext a trusted friend or partner a sexual image, this often leads to a widespread distribution of the image against the will of the subject of the photo (Aiken, Moran, and Berry 2011).

The extent of sexting is unknown, and research estimates vary depending on the source and the way in which it is defined and measured. Yet Wolak, Finkelhor, and Mitchell (2011) stated that sexting is a widespread phenomenon, based on their surveys of law enforcement agencies. A study by the National Campaign to Prevent Teen and Unplanned Pregnancy shows that one in five teens between the ages of 13 and 19 have either sexted explicit images or posted them online (NCPTUP 2009). The Third Youth Internet Safety Survey showed that one in 10 youth between the ages of 10 and 17 had sent or received sexual images, though few of these images violated child pornography laws (Mitchell et al. 2011). Young adults also send and post explicit images of themselves, as Forbes (2011) estimated that approximately a third of men and women aged 20 to 26 have posted nude or semi-nude images of themselves online.

Despite the widespread nature of the behaviour, sexting and posting explicit photos can lead to unintended consequences that are psychologically damaging. Forbes (2011) stated that the distribution of a sexually explicit photo to unintended audiences can be emotionally traumatic, and Mitchell and colleagues (2011) noted that it could be detrimental to the futures of the individuals in the images. Legal responses to sexting are varied, but in some locations sexting is a serious sexual offence comparable to possessing or distributing child pornography (Forbes 2011; Stone 2011). In fact, the sexting 'victims'—those whose image was distributed—may be charged with crimes that carry the same penalty as the person who distributes the photos. Some states in the United States have mandatory-minimum sentences for individuals convicted of child pornography charges, with no reduction possible. Yet Wolak, Finkelhor, and Mitchell (2011) show that few youth are arrested for sexting, and the youth who must register as sex offenders have often committed other sexual offences as well.

## IV. MORAL PANIC LEGISLATION

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Despite the fact that sex crimes have been declining, legislation regulating the behaviour of sex offenders in the community is increasing. This is largely the result of a moral panic about sex crimes, which Jenkins (1998) explains as the effect of 'socially constructed realities' influenced by existing social and political ideologies. Though a moral panic over sexual 'fiends, psychopaths and predators' was evident in waves throughout the century, it was in the 1990s that the United States and other countries began to enact sweeping laws to monitor and supervise sex offenders living in the community. These include registration and community notification laws, residence restrictions, global

positioning system (GPS) tracking, community supervision for life, and civil commitment of sex offenders at the end of their criminal sentences (Terry 2013). Many of the sex offender laws (e.g., Megan's Law) are 'memorial laws', named after children who were kidnapped, sexually assaulted, and/or killed by strangers. These emotionally charged crimes have led to a body of legislation that leave sex offenders with few rights, little access to services, and limited options of where to live and work.

The first comprehensive, modern-day policy regulating the behaviour of sex offenders was the Community Protection Act (CPA) of 1990. Enacted in the state of Washington, the CPA contained 14 provisions for increasing sanctions and regulatory monitoring of sex offenders. Two heinous cases prompted this legislation, both involving recidivist child sexual abusers who violently sexually assaulted young male victims upon their release from prison. The CPA was designed to give the state more discretion about what to do with sex offenders like Dodd and Shriner, who posed a high risk to the community yet corrections officials had little power to monitor them upon their release.

The first significant federal law to require registration of sex offenders was the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (1994), named after a boy who was kidnapped while riding his bike home from a convenience store. This act required states to create sex offender 'registries' of sexual offenders or forfeit 10 per cent of federal funds from the Omnibus Crime Control and Safe Streets Act of 1968 (Terry and Ackerman 2015). This law was further expanded in 1996 after the enactment of Megan's Law, allowing the community to be notified about offenders living therein. Seven-year-old Megan Kanka was killed by a recidivist sex offender living across the street from her in Hamilton Township, New Jersey, and her parents claimed that community members should know if sex offenders are living in their neighbourhood so they can protect their children (Terry and Furlong 2008). All states enacted registration and community notification laws (RCNLs) by the end of 1997.

The purpose of RCNLs is to protect the community by publicizing information about sex offenders who may be at risk to reoffend. Each state was empowered to create its own guidelines for implementation, though most follow the same general process. Once offenders are convicted or released from jail or prison, state agencies assess their risk level to determine whether they are high (Tier 3), moderate (Tier 2), or low risk (Tier 1). Offenders are required to register their living and work addresses with the police for a period of time, depending on the jurisdiction and risk level of the offender. They also must provide the agency with a photograph, fingerprints, name, home address, place of employment or school, and in some states a DNA sample. Under Megan's Law, most jurisdictions would notify the community about high-risk sex offenders (Terry 2013).

Despite these similarities, state guidelines on RCNLs vary in regard to who had to register, length of time on the registry, risk assessment process, and other such factors. Thus, an offender could ostensibly be assessed as low or moderate risk in one state and high risk in another state. Because of this variation, and to provide an accessible database of all offenders, additional legislation was passed in an attempt to collect registration information at the national level. The Pam Lychner Sex Offender Tracking and Identification Act (1996) established a National Sex Offender Registry (NSOR), managed by the FBI.

It was named after Pam Lychner, a real estate agent in Houston, Texas, who was nearly killed by a client with a history of violence. Despite the good intentions, the national database is limited in its efficacy, particularly since the information is derived from state databases (Levenson and D'Amora 2007; Terry and Ackerman 2015).

Other federal legislation that regulates the behaviour of sex offenders includes the Protection of Children from Sexual Predators Act (1998), the Campus Sex Crimes Prevention Act (2000), and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act (2003). The purpose of these acts is to specify and expand the offences and penalties for sexual offending behaviours and/or to expand the registration requirements. Both the Protection of Children From Sexual Predators Act and the PROTECT Act focus on reducing the sexual exploitation of children, particularly in regard to abduction and trafficking. The PROTECT Act also enhances methods of investigation for sexual abuse and trafficking cases, reduces the chances of pretrial release, and enhances sanctions for offenders.

The most comprehensive legislation to be enacted regarding sex offenders in the United States is the Adam Walsh Child Protection and Safety Act (2006) (AWA), named after Adam Walsh who, at age six, was abducted from a shopping mall and killed. The purpose of the AWA is to provide uniform guidelines on the supervision, management, and punishment of sex offenders nationally. It sets national standards for registration and notification, civil commitment, child pornography prevention, and Internet safety; makes failure to register a deportable offence for immigrants; and establishes grants to empirically assess the legislation (Terry 2013). The Sex Offender Registration and Notification Act (SORNA) within the AWA provides national standards to all states for sex offender registration and notification. Although the legislation required that all states enact RCNL statutes in compliance with SORNA guidelines by July 2009, only 19 states to date are compliant. Arguments against implementing the AWA are both philosophical and resource-based; it expands the RCNL requirements to include additional offences and offenders (including juveniles over the age of 14), enhances sanctions for failure to register, increases supervision, extends the time in which offenders would be subject to these requirements, and mandates the use of an offence-based (rather than offender-based) risk assessment process (Harris and Lobanov-Rostovsky 2010). Together, these requirements lead to an untenable increase in resources for sex offenders in each state, and many experts dispute the benefits of the requirements (Baron-Evans 2008; Bowater 2008; Janus and Prentky 2008; Wright 2009).

In addition to RCNLs, sex offenders must comply with various additional laws while living in the community, including residence restrictions and GPS monitoring (Vitiello 2008). Residence restrictions limit the places where sex offenders can live and work, with the goal of increasing public safety by limiting sex offenders' access to the places 'where children congregate'. The policies are based upon the premise that geographical proximity to offence opportunities increases the likelihood of offending (Terry and Ackerman 2015). Residence restrictions can be implemented at the state or local levels (Levenson 2009) and typically bar offenders from living within 1,000 to 2,500 feet from schools, daycare centres, parks, playgrounds, or other places commonly populated

by children (Nieto and Jung 2006). GPS monitoring is generally used to supplement other forms of supervision of sex offenders. Offenders wear an electronic bracelet while they are on probation, parole, or house arrest or, in some states, as part of their registration requirements. This allows a supervising agency to monitor the offenders' locations through active or passive GPS systems. More than half of the states now use GPS tracking of sex offenders, and six states currently require lifetime supervision (Colorado, Florida, Missouri, Ohio, Oklahoma, and Wisconsin) (International Association of Chiefs of Police 2008).

Restriction of civil liberties for sex offenders does not end with community supervision and management. Several states have also enacted legislation allowing for the incapacitation of sex offenders at the completion of their criminal sentences if they are assessed as having a mental abnormality or personality disorder and are dangerous. The goal of civil commitment, also called Sexually Violent Predator (SVP) legislation, is to incapacitate recidivist sexual offenders who are 'more likely than not to reoffend' until they are rehabilitated (Seling 2000). SVP legislation is controversial in terms of its aim, effectiveness, and constitutionality and has been criticized on both legal and scientific grounds (Elwood 2009). It assumes a relationship among mental disorder, risk, and sexual violence, even though some scholars argue that the medicalization of sexually deviant behaviour is not grounded in 'empirically demonstrated empiricism or articulated legal standard' (Janus 1997, p. 350).

Civil commitment statutes vary by state. In most, however, a sex offender can be designated an SVP if he is charged with a sexually violent offence, suffers from a mental abnormality or personality disorder, and is likely to engage in future acts of sexual violence as a result of the mental abnormality or personality disorder. The goal of SVP legislation is to target 'a small but extremely dangerous group of SVPs who do not have a mental disease or defect that renders them appropriate for involuntary treatment' (Kansas SVPA §59-29a). SVPs are most commonly diagnosed with paraphilias, including paedophilia and paraphilia not otherwise specified (Levenson and Morin 2006), and personality disorders (Elwood 2009; Elwood, Doren, and Thornton 2008). Once designated an SVP, the sex offender is detained in a secure facility until 'rehabilitated'.

Though SVP legislation is administered on a state level, the AWA established federal grants for the development of civil commitment programmes. Called the Jimmy Ryce State Civil Commitment Program for Sexually Dangerous Persons, this provides guidelines for the civil commitment process, including a standardized definition of an SVP, the institution of proceeding, the psychiatric examination, the hearing, the determination and disposition, and discharge procedures. The AWA broadened the criteria for commitment: offenders may now be civilly committed if they have been 'deemed by the State to be at high risk for recommitting any sexual offense against a minor' (AWA, Sec. 301(c)(3)(A)(ii)).

Those committed under SVP statutes have challenged the laws on several grounds, including *ex post facto* application, double jeopardy, due process, equal application, vagueness of the statute, and definition of an SVP. The statute itself has been challenged, as well as its application to individuals. *Kansas v. Hendricks*, 521 U.S. 346 (1997) was the

first case to reach the U.S. Supreme Court; the Court upheld Hendricks's civil commitment and declared the Kansas SVP Act constitutional on all grounds. The Court supported the former state court decisions, stating that the SVP Act is a civil rather than a criminal statute. As such, it does not violate double jeopardy clauses by adding additional punishment, because the purpose of civil commitment is neither retribution nor deterrence.

## V. CONCLUSION

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Understanding the nature, scope, and definition of sex crimes is complex. Behaviours defined as sex crimes change over time and vary by place and culture. The term 'sex crime' encompasses many behaviours, from rape to sexting to human trafficking. No matter how it is defined, the prevalence rate of sex crimes is very high and victimization can lead to significantly negative effects. Laws that have been enacted to control and prevent sex crimes are often counterproductive, however; they tend to focus on prevention of abuse by strangers, which represents the minority of offences.

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## CHAPTER 2

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# EXPLORING THE METHODS BEHIND SEXUAL VIOLENCE ESTIMATES

*The Composition and Findings from National  
and International Surveys*

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ACROSS the last four decades, academics, service providers, and policymakers worldwide have paid increased attention to the measurement of sexual violence. Even the media have shown interest in reporting estimates of sexual violence, especially questioning discrepancies across studies and highlighting trends over time. This sustained interest has had a substantial impact on the measurement of sexual violence, leading to the:

- Development of a number of national and international surveys designed to estimate the scope and dimensions of different types of sexual violence;
- Refinement of the definition and operationalization of sexual violence and the development of specific wording to explicitly describe the perpetrator's behaviour (e.g., sexual penetration, oral sexual contact, sexual touching) and tactics (e.g., force, drugging);
- Production of cross-national sexual violence estimates that allow for comparisons of victimization rates across countries; and
- Identification of unresolved issues in the measurement of sexual violence and areas of research in need of further attention by sexual violence researchers and policymakers.

Taken together, these methodological innovations have led to the improvement of the validity and reliability of sexual violence measurement; better measurement has in

turn led to more precise estimates of the extent of sexual violence (National Research Council 2014). Collectively, these national and international data sources allow a clearer picture to emerge of both the nature and extent of sexual violence experienced by women and men worldwide. These surveys also have had a significant impact on the field of comparative victimology, allowing for cross-national comparisons of the scope of sexual violence and shedding much-needed understanding on how individual-level characteristics (e.g., age, income, race and ethnicity) and incident-level factors (e.g., location, use of weapon, victim–offender relationship) are similar or differ across countries. Altogether these data highlight that sexual violence worldwide is both a public health and criminal justice issue that transcends geographic boundaries and cultures.

Examining both national-level and international-level data sources, this essay describes the innovations that have been made to improve the measurement of sexual violence since the administration of the first national victimization surveys. Sections I and II focus on the national and international surveys, which measure sexual violence as part of a general victimization survey or as a survey specifically designed to measure sexual violence. To gain an appreciation for the distinctiveness of each survey, the methodological characteristics (sampling design, measurement process, question wording, reference period, and mode of administration) and how sexual violence has been defined and operationalized are discussed. This information is used to compare and contrast methods across the survey to better understand the estimates from each survey. Using data from international victimization surveys, Section III includes a cross-national examination of sexual violence measurement and rates. The final section concludes with a discussion of unresolved measurement issues and provides insights on future directions in measuring sexual violence.

## I. SEXUAL VIOLENCE MEASUREMENT: NATIONAL SURVEYS

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### A. National General Victimization Surveys that Include Sexual Violence

1. *The National Crime Victimization Survey.* The National Crime Victimization Survey (NCVS) is the primary source for victimization statistics in the United States. The NCVS, which is sponsored by the Bureau of Justice Statistics (BJS), began development in the late 1960s to supplement the official crime data and provide statistics on victimization experiences not reported to the police (BJS 2014). Each year, the NCVS provides estimates of the extent and nature of sexual violence experienced across the United States (BJS 2014). Respondents are selected to participant in the survey using a stratified multistage sampling design with a three-year rotating panel where respondents are interviewed via in-person interviews and computer-assisted telephone interviewing

(CATI) every six months (BJS 2014). In 2013, sexual violence estimates were produced for the United States based on interviews from approximately 160,000 adults aged 12 and older who participated in the survey (see Table 2.1 for more information on the methods and measurement for each survey).

The NCVS includes two annual measures of sexual violence: rape and sexual assault. The BJS defines rape as ‘forced sexual intercourse including both psychological coercion as well as physical force’ (Sinozich and Langton 2014, p. 11). This definition of rape includes vaginal, anal, or oral penetration as well as penetration from foreign objects. The BJS defines sexual assault as attacks ‘involving unwanted sexual contact between the victim and offender’ (Sinozich and Langton 2014, p. 11). This definition of sexual assault includes verbal threats and physical contact such as grabbing or fondling. For both rape and sexual assault, the BJS includes attempted acts as well as those perpetrated against either male or female victims. A two-stage measurement process is used to determine whether sexual violence occurred during the reference period. The first stage of the process includes the use of screening questions where respondents are asked a series of short questions designed to elicit the recall of events and include prompts related to being attacked, threatened, or forced to engage in unwanted sexual activity by a range of perpetrators, including a stranger to someone known to the victim (Fisher and Cullen 2000; BJS 2014).

Respondents who answer ‘yes’ to any of the screening questions progress to the second stage of the process and are asked an in-depth series of questions referred to as an incident report (Fisher and Cullen 2000; BJS 2014). During the incident report, respondents are asked detailed questions pertaining to the incident (e.g., time victimization occurred, reporting to police, injury) and are often asked by the interviewer to describe what happened in more detail. Information provided by the respondent during the incident report determines whether or not the incident is operationalized and classified as a completed, attempted, or threatened rape or sexual assault. For rape, if a respondent reports having experienced ‘forced or coerced sexual intercourse including attempts’, the act is coded as a rape (Fisher and Cullen 2000, p. 330). An event is operationalized and coded as a sexual assault if the respondent describes an act that included any unwanted or forced sexual attack or contact that did not include penetration. In 2013, the NCVS estimated that less than 1 per cent of people aged 12 and older experienced a rape/sexual assault in the past year (Truman and Langton 2014).

While the numbers of rapes and sexual assaults are estimated each year, stalking, another form of sexual violence, was estimated by the BJS only in 2006 in a one-time supplement to the NCVS administered to all respondents aged 18 and older. The BJS defined stalking as a ‘course of conduct directed at a specific person that would cause a responsible person to feel fear’ (Catalano 2012, p. 1). Respondents were coded as having been a victim of stalking if they reported having experienced at least two stalking behaviours on separate occasions, including such factors as receiving unsolicited communication or items and being followed or spied on (Catalano 2012). Estimates from this supplement indicate that as many as 1.5 per cent of people aged 18 and older were stalked in the one-year reference period.

**Table 2.1 National and international sexual violence surveys: methods and measurement**

Survey Name Sponsor	Sampling Design and Sample Size	Data Collection and Administration (Response Rate)	Measurement Process	Sexual Violence Measures	Sexual Violence Annual Estimates (%)	Sexual Violence Lifetime Estimates (%)
<i>General Victimization Surveys—National Level</i>						
National Crime Victimization Survey (NCVS) <i>Bureau of Justice Statistics</i>	Stratified multistage cluster sample of housing units 160,000 adults aged 12 and older from 90,000 households	In-person interviews (1st and 5th) and computer- assisted telephone interviewing (CATI) Administered annually since 1973; redesigned rape/sexual assault questions since 1992 (88%)	Two-stage measurement process: (1) screening questions with short descriptive cues and (2) detailed incident report, including description of what happened (used to classify type of crime, if any, experienced) Estimates are provided for one-year reference periods; interviews are conducted every six months	Rape/sexual assault Stalking (in 2006 one-time supplement)	0.1 1.5 2.2 (F) 0.8 (M)	
Crime Survey for England and Wales <i>Office for National Statistics</i>	Stratified multistage bespoke cluster sample of addresses 35,000 adults aged 16 and older	Computer- assisted self- interviewing (CASI) First administered in 1982 and annually since 2001 (75%)	Multiple questions with behaviourally specific wording Estimates are provided for one-year and lifetime (since age 16) reference periods	Sexual assault (less serious and serious) Stalking	1.2 2.0 (F) 0.5 (M) 3.0 4.1 (F) 1.9 (M)	10.9 19.1 (F) 2.7 (M) 12.8 17.4 (F) 8.2 (M)

*Sexual Violence Surveys—National Level*

Sexual Experiences Survey <i>Koss et al.</i>	Sampling design and sample size varies across surveys	Various methods (computer-assisted survey interviewing, mail surveys, and web-based surveys)	Multiple questions with behaviourally specific wording describing both sexual acts and perpetrator's tactics Estimates are provided for one-year and lifetime (since age 14) reference periods	Forcible rape Incapacitated rape Unwanted sexual contact Sexual coercion	Estimates vary across surveys	Estimates vary across surveys			Estimates vary across surveys
National Women's Survey—Replication <i>National Institute of Justice</i>	Random-digit dialling (RDD) of entire United States 3,000 women aged 18 and older	CATI Administered once in 2006 (65%)	Multiple questions with behaviourally specific wording Estimates are provided for a one-year and lifetime reference periods	Forcible rape Incapacitated rape Drug- or alcohol-facilitated rape	0.7 0.3 0.2	16.1 2.8 2.3			
National Violence Against Women Survey <i>National Institute of Justice; Centers for Disease Control and Prevention</i>	RDD of entire United States 8,000 women and 8,000 men aged 18 and older	CATI Administered once from 1995 to 1996 (69–72%)	Multiple questions with behaviourally specific wording Estimates are provided for one-year and lifetime reference periods	Rape Stalking	0.3 (F) 0.1 (M) 1.0 (F) 0.4 (M)	17.6 (F) 3.0 (M) 8.1 (F) 2.2 (M)			
The National Intimate Partner and Sexual Violence Survey <i>Centers for Disease Control and Prevention</i>	RDD landline and cell phone numbers 13,000 males and females aged 18 and older	CATI Administered annually since 2010 (80–85%)	Multiple questions with behaviourally specific wording Estimates are provided for a one-year and lifetime reference periods	Forcible rape Drug- or alcohol-facilitated rape Made to penetrate Sexual coercion Unwanted sexual contact Stalking	1.6 (F) 1.0 (F) 1.7 (M) 2.0 (F) 1.3 (M) 2.2 (F) 1.6 (M) 4.2 (F) 2.1 (M)	19.3 (F) 1.7 (M) 9.3 (F) 1.1 (M) 0.6 (F) 6.7 (M) 12.5 (F) 5.8 (M) 27.3 (F) 10.8 (M) 15.2 (F) 5.7 (M)			(continued)

**Table 2.1 Continued**

Survey Name Sponsor	Sampling Design and Sample Size	Data Collection and Administration (Response Rate)	Measurement Process	Sexual Violence Measures	Sexual Violence Annual Estimates (%)	Sexual Violence Lifetime Estimates (%)
<i>General Victimization Surveys—International Level</i>						
International Crime Victims Survey <i>United Nations Office on Drugs and Crime;</i> <i>United Nations Inter- regional/Criminal Justice Research Institute</i>	RDD or alternative methods dependent on telephone distribution in each country 2,000 males and females aged 16 and older per country	In-person interviews and CATI Administered six times since 1989 (51%)	Two questions that do not use behaviourally specific wording Estimates are provided for one-year reference periods (survey question includes the last five years)	Sexual assault	1.7 (F) 0.5 (M)	
<i>Sexual Violence Surveys—International Level</i>						
International Violence Against Women Survey <i>European Institute for Crime Prevention and Control</i>	RDD or alternative methods dependent on telephone distribution in each country Sample sizes varied across countries; ranged from 900 to 25,000 women aged 18 to 69	In-person and interviews and CATI Administered once between 2002 and 2006 (39–99%)	Multiple questions with behaviourally specific wording Estimates are provided for one-year and lifetime (since the age 15) reference periods	Sexual violence (rape, unwanted sexual touching, forced prostitution)		3.0–15.0 (intimate partner) 4.0–31.0 (nonintimate partner)
EU-Wide Violence Against Women Survey <i>European Union Agency for Fundamental Rights</i>	Stratified multistage sample of housing units 1,500 women aged 18 to 74 per country	In-person interview using computer-assisted personal interviewing Administered once in 2012 (42%)	Multiple questions with behaviourally specific wording Estimates are provided for one- year and lifetime (since the age 15) reference periods	Rape Unwanted sexual contact Sexual coercion Stalking	0.8 0.9 0.9 5.0	5.0 6.0 6.0 18.0

There are both strengths and weaknesses associated with the measurement of sexual violence in the NCVS. One of the greatest strengths of the survey is the two-stage measurement process, which is considered to produce more valid estimates of rape/sexual assault through the detailed incident report (Fisher and Cullen 2000). Other methodological features contribute to the strength of the NCVS, such as the panel design, sophisticated sampling technique, interview bounding, and annual estimates of the extent and nature of sexual violence that can be compared over time and across contexts (Bachman and Taylor 1994; Sinozich and Langton 2014). However, it is important to note that the two-stage measurement process has also been cited as a potential limitation of the survey. For instance, Fisher and Cullen (2000) and Cook and colleagues (2011) raise concerns that the two-stage measurement process may underestimate sexual violence if respondents do not respond to the screening questions in a way that would lead to an incident report. Further, sexual violence may be underreported due to the lack of behaviourally specific wording of survey items that leaves interpretation of key terms critical to the coding of rape (i.e., intercourse) up to the respondents (see Fisher 2009). Other methodological limitations are the exclusion of stalking from the annual estimates and wording that would screen for incapacitated rape.

2. *The Crime Survey for England and Wales.* The Crime Survey for England and Wales (CSEW) is the primary source for victimization statistics in the United Kingdom. The CSEW, formally referred to as the British Crime Survey, is sponsored by the Office for National Statistics (ONS) and was established in the early 1980s to provide statistics on victimizations not reported to police (ONS 2014a). The CSEW has been administered annually since 2001 and includes survey questions that gauge the extent and nature of victimization, including sexual violence, across England and Wales (ONS 2014a). Respondents are selected for inclusion in the survey via a stratified multistage sampling design, and approximately 35,000 adults aged 16 and older participated in the 2013/2014 wave of the CSEW. While most of the CSEW is administered via a face-to-face interview, due to concerns regarding the sensitive and private nature of sexual violence, questions pertaining to intimate and sexual violence are included in a computer-based self-completion module completed independently by respondents aged 16 to 59; respondents aged 60 or older are excluded due to this age group's increased difficulties completing the module independently (ONS 2014a).

The CSEW categorizes intimate personal violence into three groups: less serious sexual assault, serious sexual assault, and stalking (ONS 2014a, 2014b). Less serious sexual assault is defined as indecent exposure (i.e., flashing) that would cause one to feel fear, alarm, or distress and unwanted touching (i.e., touching, grabbing, kissing, or fondling). Serious sexual assault is defined as non-consensual attempted or completed oral, anal, or vaginal penetration by either a penis or object. Stalking is defined as one or more incidents that would cause the victim to experience distress, fear, or alarm such as receiving obscene or threatening correspondence (e.g., letters, emails, text messages, or phone calls), having obscene or threatening information about him or her placed on the Internet, having someone waiting or following the victim at home/work, and/or interfering with or damaging the victim's personal property (ONS 2014a, 2014b).

In contrast to the NCVS's two-stage measurement process, the CSEW utilizes a one-stage measurement process where any respondent who reports a 'yes' to one of the behaviourally specific survey questions is coded as a victim. For each question in which the respondent reports 'yes,' he or she is then asked additional questions regarding the nature of the victimization, such as the relationship to the perpetrator, location of the victimization, and reporting to authorities (ONS 2013, 2014a, 2014b). The CSEW estimates sexual violence for both one-year and lifetime (i.e., since the age 16) reference periods. Data from the 2012–2013 CSEW indicate that approximately 1.2 per cent of respondents reported experiencing a sexual assault (including both less serious and serious) within the 12-month reference period, while 10.9 per cent reported having experienced a sexual assault since the age of 16. Stalking victimization estimates indicate that approximately 3.0 per cent of respondents experienced a stalking victimization within the one-year reference period and 12.8 per cent of respondents reported a stalking victimization since the age of 16 (ONS 2014b).

In recent years, there has been increased attention placed on the measurement of sexual violence by the CSEW. During the 2010 through 2013 waves of CSEW, a split-sample experiment was undertaken to examine the validity of sexual violence estimates. Based on the findings from these experiments, a new set of questions was adopted for the 2013–2014 CSEW to produce more valid estimates of sexual victimization as well as to reduce completion time for respondents (Hall and Smith 2011; ONS 2013, 2014a). These changes and the detailed questions about the nature of sexual violence and privacy for respondents via the self-completion module are some of the major strengths of the CSEW. However, while the self-completion module has the potential to reduce discomfort for victims and increase privacy, it also could result in measurement error if respondents are unclear on terminology (i.e., indecent exposure) or are excluded due to not being able to complete the module independently. For instance, due to the sensitive nature of the topic, interviewers are trained to skip the module rather than assist the respondent in the completion of the module (ONS 2014a), which could result in the exclusion or underrepresentation of certain groups of individuals (i.e., visual disabilities, illiterate respondents), who are known to be at high risk of sexual violence (see Harrell 2014).

## B. National Surveys Explicitly Designed to Estimate Sexual Violence

1. *The Sexual Experiences Survey*. Koss's Sexual Experiences Survey (SES) is one of the most widely cited and used instruments designed to measure sexual violence (Fisher and Cullen 2000). The SES was developed in the late 1970s with the primary purposes of creating a standardized instrument that could produce more valid estimates of sexual violence over other instruments used at the time (e.g., National Crime Survey [NCS]) while increasing consistency in the measurement of sexual victimization across the scientific community (Koss and Oros 1982; Koss and Gidycz 1985; Koss, Gidycz, and

Wisniewski 1987). The SES is designed specifically to measure 'hidden' rapes, which refers to acts that are not reported to the police but still meet the legal definition of a rape (Koss and Oros 1982, p. 455). An important feature of the SES is that it was designed to measure a broad continuum of sexual violence, including attempted and completed rape as well as other forms of sexual assault, including unwanted sexual contact and sexual coercion (Koss et al. 2007).

Since its initial development, Koss and her research associates have revised the original 13-item SES instrument to improve the validity of the tool through the clarification of the terminology and definition of rape included in the survey (Koss and Gidycz 1985; Koss et al. 2007). In 2007, Koss and associates developed revised long and short versions of the SES designed to measure both victimization and perpetration. The short form victimization (SES-SFV), one of the most widely used SES instruments, includes seven questions that gauge a respondent's experiences with sexual aggression and violence. The SES-SFV survey items are ordinal in nature (e.g., 0, 1, 2, and 3 +) and include a one-year reference period and a 'since age 14' reference period that is bounded to end a year before the time of survey administration to restrict overlap with the 12-month reference period (Koss et al. 2007). A unique feature of the original SES is that the definition of rape used in the survey was drawn from the Ohio legal code and the three SES questions designed to measure rape include the elements of rape included in the statutory code: (1) lack of consent, (2) force or incapacitation, and (3) attempted or completed penetration (Koss and Gidycz 1985).

A major strength of the SES is its operationalization of sexual violence that includes behaviourally specific wording that measures both the precise acts of sexual violence (e.g., 'fondled, kissed, or rubbed up against the private areas of my body', 'a man put his penis into my vagina') as well as the tactics that perpetrators use to commit sex acts (e.g., 'using force', 'threatening to end the relationship') (Koss et al. 2007, p. 368). For each of the seven survey questions that measure sexual violence, five sub-questions are provided to gauge the perpetrator's tactics for carrying out the act, including behaviours such as psychological coercion, threatening or using physical force, and taking advantage of victim when drunk (i.e., incapacitated rape) (Koss et al. 2007). Unlike the NCVS and other instruments administered by government or central agencies, the SES-SFV is non-proprietary and has been made publicly available by Koss and colleagues to be used by individual researchers. Therefore, estimates of sexual violence produced by the SES-SFV vary substantially across research studies based on methodological factors such as sampling techniques and sample sizes.

The most recent revision to the SES illustrates many of its strengths that have contributed to its use as a primary tool for measuring sexual aggression and violence. In addition to the survey's clear definition of rape and operationalization of sexual assault using behaviourally specific wording of both acts and tactics, other notable features of the SES includes its inclusion of gender-neutral wording, which facilitates its ability to estimate sexual victimization among both males and females and across various sexual orientations (Koss et al. 2007). Despite its many strengths, some critics have raised concerns regarding the validity of the SES's estimates of sexual violence and that the instrument

may overestimate the extent of rape (Gilbert 1997) and operationalize experiences as rape that are not considered to meet the legal definition by criminal justice professionals (Gyllys and McNamara 1996).

2. *The National Women's Study—Replication*. In 1992, Kilpatrick, Edmunds, and Seymour in conjunction with the National Institute for Drug Abuse carried out the National Women's Study (NWS), one of the first nationally representative surveys that estimated rape in the United States. Measuring both the scope and nature of rape, the NWS was a hallmark sexual violence survey that shed much-needed light on sexual violence and the impact it had on victims (see Kilpatrick et al. 1992 for the measurement and methods of the NWS). In 2007, almost 15 years after the publication of the original NWS, Kilpatrick and colleagues carried out a replication of the NWS that measured multiple forms of rape and provided updated annual and lifetime estimates of its magnitude and adverse impact on victims.

Respondents were selected for inclusion in the NWS-R through random-digit dialling of the United States, which resulted in a sample size of approximately 3,000 women aged 18 and older. The NWS-R measured three different forms of sexual violence: drug-alcohol facilitated rape (i.e., non-consensual penetration after the perpetrator deliberately gives victim drugs or alcohol without permission), incapacitated rape (i.e., non-consensual penetration after victim voluntarily uses drugs or alcohol), and forcible rape (i.e., non-consensual penetration by threat or use of force/injury) (Kilpatrick et al. 2007). For each form, rape was defined as non-consensual oral, vaginal, and anal penetration of the victim by a penis, finger, or object. The NWS-R moved beyond its predecessor by the inclusion of drug- or alcohol-facilitated and incapacitated rapes, which took into consideration acts that were committed when 'the victim is passed out or awake but too drunk or high to know what she is doing or to control her behaviour' (Kilpatrick et al. 2007, p. 11). The NWS-R operationalized rape through a series of yes/no formatted, behaviourally specific questions; women with affirmative responses to a rape question that involved drugs or alcohol were provided follow-up questions to differentiate between drug- or alcohol-facilitated rape and incapacitated rape. Estimates from the NWS-R indicated that less than 1 per cent of women reported having experienced a rape within the one-year reference period. In addition, 18 per cent of the sample experienced a rape in their lifetime, with forcible rape being the most common, followed by incapacitated rape and drug- or alcohol-facilitated rape.

One of the major strengths of the NWS-R is its behaviourally specific operationalization of rape that included acts committed when the victim was intoxicated, which had not been measured by other national surveys at the time (e.g., NWS, NCVS, and National Violence Against Women Survey [NVAWS]). In turn, the findings from the NWS-R provided the first lifetime and past-year estimates of incapacitated and drug- or alcohol-facilitated rapes experienced by women in the United States (Kilpatrick and McCauley 2009). While the NWS-R included a comprehensive measure of rape, one of the survey's weaknesses is its exclusion of other forms of sexual violence, such as unwanted sexual contact and sexual coercion.

3. *The National Violence Against Women Survey.* The NVAWS is one of the most influential and widely cited sources on the rates of sexual violence among U.S. men and women. Developed by Tjaden and Thoennes (2000) through a joint grant by the National Institute of Justice (NIJ) and the Centers for Disease Control and Prevention (CDC), the NVAWS was designed to estimate the 'dark figure' of sexual violence and shed light on its extent, characteristics, and consequences. The NVAWS was administered between 1995 and 1996 to a nationally representative sample of 8,000 women and 8,000 men, who were selected to participate in the survey via random-digit dialling of the entire United States (Tjaden and Thoennes 2000).

The NVAWS measured two forms of sexual violence: rape and stalking. Tjaden and Thoennes' definition of rape included non-consensual oral, vaginal, or anal penetration that involved the use or threat of force. They used five behaviourally specific questions to measure rape (e.g., 'penetrated your vagina or anus with their mouth'), which were adapted from Kilpatrick and colleagues' (1992) original NWS (Tjaden and Thoennes 2000, p. 4). Tjaden and Thoennes employed a definition of stalking that included repeated, non-consensual communication or threats that would lead an individual to feel fearful. They used eight behaviourally specific survey questions to measure stalking that included pursuit behaviours by a perpetrator such as following the victim, sending unsolicited letters or phone calls, vandalizing the respondent's property, leaving unwanted items, and standing outside the respondent's home/school/workplace. Each of the victimization questions was coded in a yes/no format, and respondents who answered 'yes' to a question were coded as victims and were given a report that provided more in-depth information on the perpetrator (e.g., number of times the perpetrator committed the act, relationship to perpetrator). The NVAWS estimated sexual violence that occurred within the 12 months preceding the survey as well as across the respondents' lifetimes (Tjaden and Thoennes 2000).

Estimates from the NVAWS indicated that 17.6 per cent of women and 3.0 per cent of males reported having experienced an attempted or completed rape in their lifetime. Tjaden and Thoennes (1998a) reported annual rape estimates at 0.3 per cent for women and 0.1 per cent for males. For stalking, they found that 8.1 per cent of women and 2.2 per cent of men experienced a stalking victimization in their lifetime and 1.0 per cent and 0.4 per cent, respectively, in the previous 12 months (Tjaden and Thoennes 1998b). The NVAWS has made many valuable contributions to the understanding of the extent and impact of sexual violence in the United States, including providing the first national estimates of the scope and nature of stalking victimization. However, the NVAWS is not without its limitations, including the omission of language to gauge incapacitated and drug- or alcohol-facilitated rapes and the exclusion of measures that estimate the frequency of victimization (Kilpatrick and Ruggiero 2002).

4. *The National Intimate Partner and Sexual Violence Survey.* The National Intimate Partner and Sexual Violence Survey (NISVS) is a newly developed survey launched in 2010 that offers an innovative approach to measuring sexual violence. Sponsored and administered by the CDC with support from the NIJ and the Department of Defense

(DOD), and informed by the NVAWS, the NISVS is designed to address limitations of past national-level surveys by producing estimates of victimization that can be compared at the national and state levels. In 2013, almost 13,000 people, approximately 7,000 women and 6,000 men, from across the United States participated in the NISVS (Black et al. 2011).

The NISVS measures many forms of sexual violence, including attempted, completed, and intoxicated rape (i.e., forced, non-consensual vaginal, anal, or oral penetration); forced penetration of another person; sexual coercion (i.e., unwanted penetration due to non-physical pressure); unwanted sexual contact (i.e., unwanted touching but not penetration); and non-contact unwanted sexual experiences (i.e., unwanted sexual experiences that did not include touching or penetration) (Black et al. 2011). Over 20 behaviourally specific survey items are used to operationalize sexual violence (CDC 2011). Whilst the NISVS uses a definition of stalking that is similar to the NVAWS (i.e., repeated pursuit behaviours that cause the victim to feel fearful), the eight behaviourally specific survey items used to assess stalking have been updated to account for new stalking tactics due to technological advances (e.g., unwanted messaging via text or social media, spied on with camera or global positioning system [GPS]). Each response is coded numerically based on the number of people who have committed the behaviour in question; the NISVS estimates sexual violence that has occurred in the respondent's lifetime and over the previous 12 months (CDC 2011).

Estimates from the 2011 NISVS indicated that 19.3 per cent of women and 1.7 per cent of men have experienced a rape in their lifetime (Breiding et al. 2014). Approximately 2 per cent of women reported a rape in the prior 12 months. For sexual violence other than rape, 43.9 per cent of women and 23.4 per cent of men reported being victims within their lifetime and approximately 5 per cent of both women and men reported other sexual violence in the prior 12 months. Stalking was reported to have been experienced by 15.2 per cent of women and 5.7 per cent of men within their lifetime and 4.2 per cent and 2.1 per cent within a year, respectively (Breiding et al. 2014). Drawing from the strengths of past studies such as the NWS, NWS-R, and NVAWS, the NISVS represents a large step forward in the measurement of sexual violence due to its innovative and detailed operationalization of sexual violence and its exploration of victimization among under-represented populations.

## II. SEXUAL VIOLENCE MEASUREMENT: INTERNATIONAL SURVEYS

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### A. International General Victimization Surveys that Include Sexual Violence

In 1989, the first wave of the International Crime Victims Survey (ICVS) was launched, and it provided some of the first cross-national estimates of sexual assault (van Dijk et al. 2007; van Kesteren, van Dijk, and Mayhew 2014). Since its development the ICVS

has been conducted six times, with participation from over 80 different countries (van Kesteren et al. 2014). The ICVS was developed by a group of European criminologists, van Dijk, Mayhew, and Killias (1990), and is jointly coordinated by the United Nations Office on Drugs and Crime (UNODC) and the United Nations Interregional Criminal Justice Research Institute (UNICRI). For each wave of the ICVS, approximately 2,000 respondents are selected from each of the participating countries to answer questions regarding the extent and nature of sexual violence (van Dijk et al. 2007).

The ICVS measures two broad forms of sexual violence: sexual assault and offensive sexual behaviour. Two questions are used to operationalize these forms of sexual violence. The first question asks respondents whether they have been grabbed, touched, or assaulted 'for sexual reasons in a really offensive way' (van Dijk et al. 2007, p. 78). If respondents respond affirmatively, they receive the second question that asks them to 'describe the incident as a rape (forced intercourse), an attempted rape, an indecent assault, or just behaviour which you found offensive' (van Dijk et al. 2007, p. 221). Respondents are coded as having experienced a sexual assault if they select one of the first three options (i.e., rape, attempted rape, and indecent assault); respondents also have the option to report 'don't know', and if so they are not included in the estimates for sexual assault. To reduce telescoping concerns for initial reporting, the ICVS includes a five-year reference period in the screening questions and then produces one-year estimates through more specific questions concerning the time of the victimization (van Dijk et al. 2007).

The primary strength of the ICVS lies in its standardized measurement instrument that produces cross-national estimates that facilitate meaningful international comparisons of victimization rates. However, despite its many strengths, the ICVS has many limitations related to its measurement of sexual violence. For instance, due to cultural differences across countries, the operationalization of sexual assault is not behaviourally specific but instead is left up to the respondent to define, which may underestimate the extent of sexual violence (see Fisher 2009). Further, some countries decide not to include the sexual assault questions in the survey, so measures of sexual violence are excluded from these countries' overall victimization rates and precluded from cross-national comparisons.

## B. National Surveys Explicitly Designed to Estimate Sexual Violence

1. *The International Violence Against Women Survey*. In 1999, international experts in conjunction with the HEUNI (The European Institute for Crime Prevention and Control) began to devise the International Violence Against Women Survey (IVAWS) (Johnson et al. 2007). The IVAWS was developed as a response to UN and international mandates to eliminate violence against women and provide both gender-disaggregated estimates of, and justice systems' responses to, sexual violence. The IVAWS, a comparative survey that allowed for standardized cross-national comparisons, gathered information on the nature and extent of sexual violence experienced by women across the globe. As a result of joint coordination by core team members Johnson, Ollus, and

Nevala (2007) and the UNODC, UNICRI, and Statistics Canada, 11 countries participated in the IVAWS between 2003 and 2005, with on average 1,000 to 3,000 women surveyed from each country.

The IVAWS defined sexual violence as non-consensual or forced sexual activity that is committed against a female against her consent by intimidation, coercion, or physical threat or force (Johnson et al. 2007). Three forms of sexual violence were measured in the IVAWS: rape/attempted rape, unwanted sexual touching, and forced prostitution. These three forms of sexual violence were operationalized through five behaviourally specific survey items. Two survey items measured rape and asked respondents if anyone had forced or attempted to force the respondents 'into sexual intercourse by threatening, holding you down, or hurting you' (Johnson et al. 2007, p. 29). Unwanted sexual touching was operationalized as sexual touching that was 'distressing' to the respondent, and forced prostitution included being forced into 'sexual activity with someone else, including being forced to have sex for money or in exchange for goods' (Johnson et al. 2007, p. 30). Each of the questions used a lifetime reference period since the respondent was 15. If a respondent responded affirmatively to a survey item, she was then provided a series of follow-up questions about the incident, including information on the perpetrator, specific time of the victimization, and frequency of the incident.

As the first international survey designed specifically to estimate sexual violence, the IVAWS has made a substantial contribution to the understanding of sexual violence experienced by women internationally. Unlike its predecessor the ICVS, one of the primary strengths of the IVAWS is its operationalization of sexual violence and the use of behaviourally specific survey questions that allowed for a more valid estimation of sexual victimization. Another notable strength of the IVAWS is its inclusion of detailed perpetrator-level questions that facilitated the examination of sexual violence perpetrated against women by either intimate partners or other males (Johnson et al. 2007). While the IVAWS standardized survey instrument allowed for cross-national comparisons of sexual violence, the generalizability of the findings is limited due to the fact that only 11 countries participated in the survey.

2. *The EU-Wide Violence Against Women Survey.* In 2010, the FRA (European Union Agency for Fundamental Rights) in conjunction with international sexual violence experts and practitioners began to devise the EU-Wide Violence Against Women Survey (EU-VAWS). Like the IVAWS, this survey was developed as a response to international mandates to eliminate violence against women, inform the development of policy, and produce data on sexual violence that could supplement limitations from official data (FRA 2014a, 2014b). The EU-VAWS was a comprehensive survey that included 12 sections gauging the prevalence of childhood and adult sexual violence, knowledge of sexual assault services and legislation, and characteristics of victimization, including perpetrator information, reporting to authorities, and consequences of sexual violence (FRA 2014a, 2014b). By 2013, the first wave of the EU-VAWS was administered to 42,000 women across the 28 member states of the European Union, providing comparative data on the extent and nature of sexual violence across Europe (FRA 2014b).

No fixed definition of sexual violence was used in the EU-VAWS. Instead, in an effort to limit the restriction of reporting, the construction of the survey was guided by multiple international definitions of sexual violence that include acts such as rape, sexual abuse, and intimidation (FRA 2014*b*). Sexual violence was operationalized with four survey questions with behaviourally specific wording. Two questions gauged rape and asked respondents if anyone had ‘attempted to force . . .’ or ‘forced you into sexual intercourse by holding you down or hurting you in some way’ (FRA 2014*a*, p. 27). Respondents were informed that these questions referred to forced oral sex and vaginal and anal penetration. Two other questions gauged unwanted sexual contact (i.e., forced to engage in ‘sexual activity when you did not want to or you were unable to refuse’) and coercion (i.e., ‘consented to sexual activity because you were afraid of what might happen to you if you refused’) (FRA 2014*a*, p. 27). In addition to sexual violence in adulthood, the EU-VAWS included a series of five questions to measure childhood sexual violence, 11 questions to measure sexual harassment, and eight questions that gauged stalking, ranging from receiving unwanted communications to the damage of property. For each form of victimization, a count of events was gauged (i.e., never, once, two to five times, six or more times) and two reference periods were used (i.e., since the age of 15 and the past 12 months) (FRA 2014*a*, 2014*b*).

In addition to providing the most current estimates of sexual violence across European countries, the EU-VAWS has many strengths that are worth noting. One unique feature of the EU-VAWS includes its use of a brief self-completion module that provided an opportunity for respondents to disclose victimization experiences anonymously. This module was completed at the end of the interview and was sealed by the respondent in a separate envelope that was not read by the interviewer, to ensure anonymity (FRA 2014*b*). Another major contribution of the EU-VAWS is its subgroup analyses, which shed much-needed light on sexual violence among understudied populations, including women with disabilities and sexual orientations other than heterosexual (FRA 2014*a*).

### III. CROSS-NATIONAL ESTIMATES OF SEXUAL VIOLENCE

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The ICVS, IVAWS, and the EU-VAWS provide estimates that shed light on the nature and extent of sexual violence experienced by men and women across the globe. Due to methodological differences in the measurement of sexual violence for each survey, the estimates of sexual violence across the three instruments should be compared with caution. However, when taken together and examined broadly, the findings from the various surveys demonstrate that a notable proportion of women and men from across the world have reported experiencing sexual violence in their lifetime and that sexual violence is not confined to any one continent or culture.

Data from the 2004–2005 wave of the ICVS, which provides estimates of sexual violence across 30 participating countries, indicated that sexual incidents (i.e., sexual assaults and offensive sexual behaviour) were experienced in the previous 12 months on average by approximately 1.7 per cent of women and 0.5 per cent of men (van Dijk et al. 2007). Sexual assault (i.e., rape, attempted rape, and indecent assaults) was reported by 0.6 per cent of women during the one-year reference period. On average, cities in developing countries reported a sexual assault rate that was twice as high as the average rate for cities in developed countries (1.2 per cent vs. 0.6 per cent, respectively). Longitudinal trends from the ICVS indicated that sexual offences have decreased internationally since the first wave of the survey in 1989 (van Dijk et al. 2007).

IVAWS data also shed light on the extent of sexual violence (e.g., forced prostitution, unwanted sexual contact, and attempted/completed rape) reported cross-nationally. Johnson and colleagues (2007) reported that between 3 per cent and 15 per cent of women across nine countries experienced sexual violence by an intimate partner since the age of 16. The highest rates were reported in Costa Rica, followed by Mozambique and the Czech Republic; the Philippines and Switzerland reported the lowest rates of sexual violence perpetrated by an intimate partner. Rates of sexual violence perpetrated by non-intimate partners also differed across the countries, ranging from 4 per cent of respondents in the Philippines to 31 per cent of Costa Rican respondents reporting having experienced sexual violence by other men. In addition, Hong Kong, Mozambique, Poland, and Australia had rates that ranged between 9 per cent and 18 per cent, while Switzerland, Denmark, and the Czech Republic had higher rates that ranged between 21 per cent and 35 per cent (Johnson et al. 2007).

The EU-VAWS provides the most recent data to inform our understanding of the extent of sexual violence experienced internationally. Estimates from the 2012 wave of the survey indicated that approximately 5 per cent of women in the EU have experienced a completed rape since the age of 15 (FRA 2014a). Further, for attempted rape, unwanted sexual contact, and coercion, 6 per cent of women reported having experienced each of these different forms of sexual violence since the age of 15. Approximately 1 per cent of women across the EU reported experiencing sexual violence within the previous 12-month reference period. While there were differences in the rates of physical/sexual violence across the member states, the FRA (2014a) reported that these differences were not substantial. For instance, on average 8 per cent of EU women had experienced a physical and/or sexual assault in the year preceding survey completion, with rates across the 28 member states ranging from 3 per cent to 11 per cent.

## IV. UNRESOLVED ISSUES IN MEASURING SEXUAL VIOLENCE

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Over the past several decades, there has been much refinement in the measurement of sexual violence in both national and international victimization surveys.

Methodological improvements on such factors as sampling techniques, the wording of survey questions, bounding, and reference periods have increased the validity and reliability of sexual violence estimates whilst strengthening their impact on policies aimed at reducing violence against women. However, despite these significant improvements, some methodological issues related to the measurement of sexual violence remain unresolved and in need of future attention by international researchers and policymakers.

One central measurement issue that warrants further consideration by researchers is the impact that culture has on the measurement of sexual violence. To meaningfully compare estimates across countries, international surveys need to employ one standardized tool that uses the same wording for the operationalization of sexual violence. However, while uniform terminology is important from a methodological perspective, the terms related to sexual violence (e.g., anal/vaginal penetration) are not used uniformly across cultures. In certain cultures the behaviourally specific wording that has been found to increase the validity of estimates may not be viewed as culturally acceptable and may make some respondents uncomfortable, impacting disclosure (FRA 2014a). Sexual violence disclosure may also be influenced by the level of gender equality in the respondent's country. Past research indicates that respondents from countries with greater gender equality report higher rates of sexual violence, which may be a function of greater comfort in disclosing incidents and discussing violence against women (van Dijk et al. 2007; FRA 2014a). Further, evidence suggests that culture may impact disclosure by influencing respondents' perceptions of sexual violence as crimes. In some cultures there is a greater threshold for interpreting behaviours as criminal, potentially resulting in the underestimation of sexual violence (van Dijk et al. 2007). Future research that examines the intricacies of the relationship between culture and the measurement of sexual violence will be valuable for both refining international surveys and interpreting cross-national comparisons.

Another measurement issue that warrants further attention is related to the estimation of sexual violence among special subpopulations. Most sexual violence surveys are administered on samples of respondents from the general population and do not include enough cases to reliably estimate victimization rates among high-risk subgroups of the populations such as gay, lesbian, and bisexual individuals; those with disabilities; the elderly; college students; and women and men from certain minority and ethnic groups (Bachman 2014; Johnson, Fisher, and Jaquier 2014). The National Research Council (2014) recommends that sexual violence surveys identify high-risk populations and disproportionately sample these groups to allow for meaningful subgroup analyses. Johnson and colleagues (2014) claim that refinement in the measurement of high-risk groups is critical for gaining a more in-depth understanding of their risk and protective factors for sexual violence. Nevala (2014) asserts that difficulty in obtaining enough representation of high-risk subgroups in general sample surveys precludes the estimation of subgroup-specific forms of sexual violence such as female genital mutilation, forced sterilization, and forced marriage.

Changes in technologies associated with sampling procedures and data collection also pose challenges for the measurement of sexual violence. Declines in the use of

landline telephones across the past several years have increased the difficulty in obtaining quality sampling frames and high response rates. Some surveys, like the NISVS, have begun to include cellular/mobile phones in their sampling designs to increase representativeness and response rates, particularly for young adult populations (Black et al. 2011). Johnson and colleagues (2014) assert that researchers need to embrace technological innovations and mixed-methods approaches to increase the validity and reliability of sexual violence estimates. They assert that alternative forms of data collection such as audio recording software that allows respondents to contemplate and reflect on their experiences may offer valuable insights into the wide-reaching impact that sexual violence has on its victims' lives. Further, they claim that web-based surveys could also hold promise as a method of recruitment and data collection. The National Research Council (2014) recommends that one way sexual violence surveys could increase disclosure and anonymity while reducing discomfort is to employ computer-assisted self-administered interviewing, where respondents complete surveys independently on a laptop or tablet with audio assistance provided through earphones. Currently, the only national or international survey that uses self-administered technologies is the CSEW's Domestic Violence, Sexual Victimization, and Stalking Module. While integrating new technologies into the methodology of sexual violence surveys may be difficult, as Johnson and colleagues (2014) underscore, moving beyond the limitations of past research requires the adoption of unconventional approaches.

In conclusion, the national and international surveys discussed in this essay have substantially impacted our understanding of the nature and extent of sexual violence occurring across the globe. With international mandates and attention focused on the elimination of violence against women, the valid and reliable measurement of sexual violence is critical to support the prevention efforts and the development of sound policies. Ongoing efforts by national and international experts to refine and improve the measurement of sexual violence through the use of innovative methodologies will play a central role in shaping how sexual violence is perceived and addressed in the future.

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## CHAPTER 3

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# THE EXPLANATION OF SEXUAL OFFENDING

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SCIENTIFIC theories are conceptual networks of assumptions, principles, laws, and models constructed by researchers to explain phenomena in a specific domain (Haig 2014; Illari and Russo 2014). If science is a detective or mystery story, then theories tell us what happened, how, and why. They are constructed by human beings to further understanding of themselves and the world around them, and are used to predict and to control processes and outcomes. Illuminating mystery, digging beneath the surface of the natural and social worlds, and yielding understanding and strategies for improving our lives motivates individuals to create and develop theories. In this respect, theories are cognitive tools and can be evaluated in terms of how well they further epistemic and social goals.

Theories of sexual offending are typically sociological and/or psychological in nature and attempt to explain why individuals sexually abuse children or adults by appealing to factors such as deviant sexual preferences, emotional dysregulation, problematic norms and beliefs, and social structures (Ward, Polaschek, and Beech 2006). In recent years there has been a growing appreciation of the explanatory power of cognitive neuroscience and evolutionary entities and processes, and their inclusion in comprehensive, multilevel accounts of offending is more common (Durrant and Ward 2015). Alongside this interest in developing integrated explanations of sexual offending is a growing awareness that history matters and offence-related vulnerabilities are likely to have been shaped by early personal experiences and both cultural and biological evolution (Durrant and Ward 2015).

There is much more to be said about the structure and function of scientific theories; their metaphysical, epistemological, and methodological commitments; and the degree to which different philosophies of science vary in their construal of scientific practice and its implications (Haig 2014). In this essay we put these important issues to one side and take a more pragmatic stance:

- We ask what researchers, practitioners, and policymakers in the sexual offending area need to know about theories and explanation to make informed theoretical choices in their respective domains of practice.

- The result of our analysis is a *theoretical toolkit*, a summary of critical issues and ideas evident in current work and debate in the sexual offending field.
- Our aim is to assist individuals to acquire a conceptual framework to guide their thinking about theory rather than to overload them with information about dozens of different types and levels of sex offending theories.

In our view, there are six major conceptual issues evident in contemporary theorizing about sexual offending. First, there are problems associated with causality in science: inference, explanation, prediction, and control. Each of these problems is, or has been, evident in the sexual offending field and has marked implications for theoretical work. Second, it is not clear what should be the focus of inquiry in the explanation of sexual offending: psychological problems associated with offending, the criminal actions themselves, or the institutions that facilitate sexual crimes? A third issue is whether there are different phases of scientific inquiry and to what extent researchers should be guided by an explicit theory of scientific method. If they should, which one should they use? Fourth, it is unclear what role dynamic risk factors and protective factors should play in theory construction and case formulation in sex offender research and treatment. Do dynamic risk factors refer to real processes or are they simply useful summaries of predictive variables, which do not exist outside of prediction contexts? Fifth, what kinds of explanation should researchers seek, and which will ultimately guide practice? Should they be multilevel, single factor, tightly integrated, or local theories that are loosely linked to each other? Six, to what extent does a commitment to evidence-based practice require theoretical literacy?

In this essay we will address each of these topics in turn, within the context of the explanation of sexual offending. While references will be made to sexual offending theories and practice at times, our aim is to demonstrate the relevance of conceptual issues associated with theory construction, development, and evaluation rather than to set out specific guidelines for assessment and practice. In section I a number of conceptual problems associated with causality and explanation are discussed. In section II the focus is on the specific targets of sex offender explanatory theories, whilst in section III the relevance of scientific method for theorizing is explored. Section IV investigates the nature and function of dynamic risk and protective factors in the construction of explanations of sexual offending. Section V covers the issue of theory construction strategies and concludes that the strategy of integrative pluralism should guide theory creation, development, and appraisal. Our aim in section VI is to apply some of the implications of the previous sections to the concept of evidence-based practice in the forensic and correctional domains. In section VI we conclude the essay with a few comments on the theoretical challenges currently facing the field.

## I. PROBLEMS OF CAUSALITY

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The task of establishing whether or not a causal relationship exists between two factors reflects the problem of *causal inference*. The explanatory focus is on whether there is a

relationship between a cause and an effect rather than investigating how an effect is produced from a set of causes. More specifically, the problem of causal inference involves asking ‘Is there is a causal relation between X and Y? . . . What are the causes of Y? What are the effects of X? How much of X causes how much of Y?’ (Illari and Russo 2014, p. 4). In the sexual offending field this type of research is common, and recently Mann, Hanson, and Thornton (2010) examined a number of empirically supported meaningful risk factors for child sexual abuse, including sexual preferences for children, emotional congruence with children, offence-supportive attitudes, and lack of adult intimate relationships. On the basis of the statistical relationships between these dynamic risk factors and recidivism, Mann and colleagues concluded that ‘the causal factors for sexual recidivism will ultimately be drawn from variables similar to those included in our list. We believe that it is these variables that should be emphasized in treatment’ (2010, p. 210).

Relatedly, the problem of *prediction* concerns working out what is likely to occur in the future given the statistical associations between two sets of variables (Beech and Craig 2012). There is a preoccupation with accuracy of prediction and striving to obtain a balance between avoiding too many false positives (e.g., predict that someone will reoffend when he does not) while also minimizing the number of false negatives (i.e., predicting someone will not reoffend when he in fact does). This is partly a problem of causation because it is assumed that accurate prediction depends on causal relationships between factors; otherwise it is hard to explain why a feature like antisocial attitudes can successfully (i.e., beyond chance levels) predict outcomes such as reoffending.

When researchers and theorists attempt to dig beneath the surface and explain why—and how—an offender sexually abused a child or raped an adult, they are engaged in the causal problem of *explanation*. The task is to provide an account of how a cause actually produces a specific effect rather than resting content with the demonstration that there is a statistical relationship between two (or more) factors. In an attempt to describe the relevant causal processes in detail, researchers often construct mechanistic explanations that depict how certain entities interact to produce an outcome. Illari and Russo (2014) review several definitions of the term ‘mechanism’ and conclude that mechanistic explanations:

- describe the phenomenon or phenomena;
- find the parts of the mechanism (the entities), and describe what the parts do (the activities); and
- find out and describe the organization of entities and activities by which they produce the phenomenon or phenomena. (p. 134)

A good example of a mechanistic explanation in the sexual offending area is Beech and Mitchell’s (2005) theoretical work on intimacy deficits. In their model, Beech and Mitchell infer mechanisms at a number of different levels and across varying explanatory domains in an attempt to build a comprehensive understanding of intimacy deficits. They refer to the neurobiology of attachment behaviour as well as specifying the psychological mechanisms constituting attachment strategies.

The final problem associated with causation concerns the issue of *control*: based on the understanding of causal relationships, what kind of control can we exert over the variables of interest? The control in question can refer to experimental manipulation of factors as well as interventions that alter causes in desirable ways. In the sexual offending area, practitioners attempt to modify offenders' level of cognitive distortions, sexual impulsivity, and ability to empathize with their victims, all of which presupposes that the psychological and social causes constituting and triggering these factors can be controlled to some degree. The issue of control is especially important for correctional policy and the allocation of resources to treatment programmes for sex offenders.

What is the relevance of the four problems of causation for researchers, practitioners, and policymakers in the sexual offending field? A general point is that there are different conceptions of causality evident in science, and more broadly in philosophy, ranging from the demonstration of relationships between factors to the detailed depiction of causal mechanisms that generate phenomena (Illari and Russo 2014). The significance of these varying conceptions is that researchers seeking to identify causal relationships in a particular domain are often engaged in distinct tasks. For example, in a recent study Knight and Sims-Knight (forthcoming) found that sexualization, antisocial/impulsive externalization, and callousness/unemotionality traits predicted sexual coercion. Structural equation modelling studies such as this one can inform theorists that causal relationships exist between factors and sexual offending, but they do not explain how the effects are produced. On the other hand, attachment theorists argue that a dismissive attachment style with its constituent mechanisms of interpersonal distrust, minimal personal disclosure, controlling interpersonal behaviour, and avoidance of intimacy may be a cause of sexual aggression (Beech and Mitchell 2005).

A second general comment is that according to contemporary theories the causes of a phenomenon of interest typically consist of a number of interacting processes, none of which is necessary or sufficient for the outcome to occur. In other words, it is more accurate to conceptualize the causes of something like sexual offending as plural in nature, consisting of background conditions, triggers, and interacting mechanisms; it makes sense to think about causal fields rather than a specific cause.

## II. EXPLANATORY TARGETS

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Explanations in science, as in everyday life, are always directed toward a particular end. In the absence of a specific explanatory goal, there is little hope of constructing a coherent theory, and as a consequence, offer guidance for policymakers and practitioners. As discussed above, prediction, inference, control, and explanation all depend on causal knowledge, and theories help us to understand what phenomena exist, and how they come to be produced. Thus object(s) of an explanation should be clearly stated if the resulting theory is to be of any enduring value to researchers. In the next section we will discuss the importance of scientific method and its various phases in the construction,

development, and evaluation of theories. For now, we would like to concentrate on one issue: what question should theories of sexual offending strive to answer?

To answer that sexual offending theories should address the question of why individuals act in a destructive manner is too vague. While sexual offences are clearly illegal and immoral actions, these are normative distinctions and, as such, invite normative explanations: X acted unethically because he wanted to control Y, or to experience pleasure, or to avenge himself in some way. Typically, these types of explanations assume, or are cashed out in terms of, reasons and reflect attempts at justification. A scientific theory seeks to go beyond normative explanations—important as they are—and asks a further set of questions: what are the psychological, biological, social, cultural causes of X's sexually abusive behaviour, and how do these causes manifest themselves in sexual offending? The psychological level consists of cognitive, affective, and behavioural processes and mechanisms that underpin, and make possible, normative actions. The trouble with positioning explanations around illegal actions is that, by definition, they are aligned with legal and moral categories and struggle to move beyond this type of analysis. While moral psychology has emerged as a thriving subject of psychological research in recent years, it is the psychology of morality that is its explanatory target. In our view, theories of sexual offending need to go beyond this level and inquire into the psychological deficits and problems of people who appear to completely disregard the interests of their victims.

Rather than seeking to explain sexually abusive actions we suggest stepping back and instead seeking to identify the psychological problems (symptoms, deficits, problems, etc.) sex offenders as a group display (Ward and Beech 2015). Research and clinical practice indicates that these problems can be clustered into five major clusters: emotional dysregulation; deviant sexual interests; intimacy and social competency difficulties; problematic ways of thinking about other people, the world, and themselves; and general self-regulation problems (Thornton 2013). Each of the five clusters of psychological problems has a state and trait form, with the latter being usually construed as dispositions—or offence-related vulnerabilities. For example, an individual who views other adults with suspicion and fear is likely to avoid close emotional contact with adults and seek to meet his emotional needs with children. The existence of emotional congruence with children could, in conjunction with other causal factors, contribute to his subsequent sexual offending.

Of course, future research may refine the above cluster of problems into more fine-grained categories or group them differently. The point is that the task of phenomena detection is a descriptive one. Once phenomena have been detected, theories are then created to explain (a) what factors are related to them (prediction and inference) and (b) how they are produced (mechanisms). For example, Ward and Siegert's (2002) theory of child sexual abuse postulates five sets of causal mechanisms that interact to create different aetiological pathways to sexual offending. While each pathway is theorized to uniquely generate a set of clinical phenomena (e.g., intimacy problems, loneliness, aggressive actions, impulsive behaviour, etc.), they all combine to result in sexual offending.

Why does it matter whether theorists set out to explain sexual offending behaviour or the problems that are associated with such actions? Surely, the outcome is the same? We

think not. A danger with concentrating explanatory efforts purely at the normative level is that certain types of explanations will be prematurely ruled out or overlooked because the salient phenomenon is normative in nature: illegal or unethical actions. A worry is that the psychological capacities that underlie normative actions, and their developmental and contextual origins, will be ignored. The result is, in effect, talking past each other, and theorists with a more social or cultural orientation will underplay the importance of psychological-level explanations. Taking care to describe the phenomena that are associated with sexual offending will make this omission less likely and, in our view, will ensure that the resulting explanations will be multilevel, comprehensive, and nuanced in nature (see below).

### III. PHASES OF SCIENTIFIC INQUIRY AND EXPLANATION

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Method in science functions to counter cognitive and motivational biases and to compensate for human beings' cognitive limitations (Haig 2014). Specific data-gathering and data-analytic methods help researchers to detect empirical regularities, while models and techniques such as confirmatory factors analysis can be used in theory creation and development. An overall theory of scientific method provides researchers with a plan of inquiry that can guide the search for clinical phenomena (i.e., symptoms, problems, clinical attributes) and the construction of explanatory theories. There are different theories of scientific method evident in the methodological literature, including *inductivism* (constructing theories on the basis of empirical generalizations), *hypothetico-deductivism* (arriving at theories through conjectures and testing via deductive reasoning processes), and *abductive method* (Haig 2014). In Haig's (2014) formulation of abductive method (Abductive Theory of Method [ATOM]), inductive inference is employed to discover empirical regularities (i.e., phenomena), abductive inference to construct an initial theory (arguing from an effect to an underlying cause), and deductive inference to test emerging theories.

According to ATOM, there are a number of conceptually distinct phases in scientific inquiry: establishing the focus of inquiry; detecting and describing phenomena (e.g., clinical features such as intimacy and empathy deficits); inferring the underlying causal mechanisms generating each phenomena; and finally the development (via analogical reasoning) and evaluation of integrated theories. It is possible to roughly divide the different phases into descriptive and explanatory phases. In the *descriptive phase* researchers explore data gathered from a number of specific methods (e.g., psychometric instruments, rating scales, self-report, etc.) and search for patterns indicating the existence of distinct *phenomena*, relatively stable features of the world or persons we seek to explain.

Phenomena can be construed as *effects* of a set of causal processes and are the features of the world and people that are relatively accessible to us. Data are pieces of basic information that are always concrete and method bound and provide evidence for the

phenomena under investigation. Clinical examples of phenomena are low self-esteem, dysphoric mood, thought disorder, deviant sexual fantasies, cognitive distortions, loneliness, and unassertiveness. Once a set of phenomena has been detected, the second major cognitive task for researchers is to *explain* their occurrence and interrelationships. Using existential abductive reasoning, the question is asked: what entities, mechanisms, and processes could plausibly cause the phenomena of interest to occur? Once an possible cause or set of causes are accepted as reasonable possibilities, theorists develop theories using analogical abductive inference, or more simply, use models to flesh out the theory. Once a theory has been fully developed, it is evaluated against its competitors in an attempt to arrive at the most powerful, robust explanation, what is referred to as inference to the best explanation. Haig (2014) adopts Paul Thagard's theory appraisal criteria, stating that 'A theory's explanatory coherence is determined in terms of three criteria: explanatory breadth, simplicity, and analogy' (p. 113). The criterion of explanatory breadth is thought to be the most important one and states that a theory is superior to its competitors if it explains a greater range of facts. Furthermore, a better theory makes fewer ad hoc or special assumptions (simplicity) and is consistent with existing theories that are accepted by scientists (analogy).

ATOM is a comprehensive conceptual framework and has the resources to guide research into sex offenders in both its descriptive and explanatory phases. In the phenomena-detection phase, reliable and valid data-cleaning methods should be used to ensure that data are reliable enough to enable empirical regularities to be discerned. Additional statistical techniques such as meta-analysis may point to effect sizes across multiple studies and refer to patterns within a domain that are then accepted as explanatory targets. For example, in their recent paper Mann and colleagues (2010) recruited meta-analysis to identify possible causes of sex offending. Their list of possible causes included sexual preoccupation, sexual coping, sexualized interest in children, pro-offending attitudes, lack of sustained adult romantic relationships, callousness, grievance thinking, non-compliance with supervision, impulsivity/recklessness, and employment instability. In a recent paper we have argued that dynamic risk factors such as these are composite constructs (see below) and contain attributes and possible causal mechanisms (Ward and Beech 2015). Therefore, we argued, as formulated by Mann and colleagues, they are incapable of explaining anything at all and are essentially predictive devices. The above list is helpful in establishing the existence of a range of empirical regularities in the form of clinical features associated with sexual offending. However, the unanswered question is: what causes these features to appear and how do they actually produce sexual offending? The explanatory phase of ATOM asks researchers to construct and develop theories to address these problems.

Researchers, practitioners, and policymakers should be familiar with theories of scientific method and the different phases of the research process. Each phase (there are six, according to ATOM) has its own tasks and norms, which determine how well the tasks are undertaken by researchers. Understanding that techniques such as meta-analysis or data replication are best employed within the data-collection and phenomena-detection phases of scientific inquiry will make it less likely that pseudo-explanations will be